Supreme Court, U. S.
FILED
SEP 2 1975
MICHAEL RODAK, JR., CLERK

APPENDIX

Supreme Court of the United States

OCTOBER TERM, 1975

No. 73-861

EAST CARROLL PARISH SCHOOL BOARD
AND EAST CARROLL PARISH POLICE JURY,
Petitioners,

-V.-

STEWART MARSHALL,
Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FIFTH CIRCUIT

PETITION FOR CERTIORARI FILED DECEMBER 3, 1973
CERTIORARI GRANTED JUNE 30, 1975

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En Banc Opinion of Court of Appeals of Fifth Circuit may be found in Petition for Certiorari at page 43

CIVIL DOCKET
UNITED STATES DISTRICT COURT

Jury demand date:

CLOSED CASE 13927

nj

D. C. Form No. 106A Rev.

MONROE — TITLE OF CASE	ATTORNEYS
CHARLES F. ZIMMER vs. JOHN J. McKEITHEN, JACK P. F. GREMILLION, WADE O. MARTIN, JR., DOUGLAS FOWLER, CAPTAN JACK WYLY, DOROTHY MORGEL, GEORGE F. FOX, MRS. NAOMI ROSENZWEIG, CECIL E. MANNING, JOHN E. BROWN, MISS IDA MAE COBB, JOHN R. HOWARD, BUREN A. BAYLES. 5-11-71 Intervenor STEWART MARSHALL	For plaintiff: McIntosh, Hester & Gilfoil, Mason P. Gilfoil, P.O.Box 468, Lake Providence, La. 71254 5/26/71 For Intvr: Stanley A.Halpin,Jr. and Geo.M.Strickler,Jr. 606 Common St.,NewOrleans, La. 70130, PH# 523-1797 all For defendant: Thompson L.Clarke, Dist.Atty,6th Jud.Dist. Court,St.Joseph, La. and William B.Ragland,Jr.,Asst.Dist.Atty., Lake Providence, La.

Mailed 9-27-71

STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 8-9m-71	Clerk 7-12-68	$15.00	7-12	Gilfoil	$ 15.00	
	Infr.(NotApp)	5.00	7-17	CD T-3		$15.00
			8-9-71	LSDC(Halpin)	5.00	
J.S. 6 mailed	Marshal		8-11-71	CD#T-6		5.00
Basis of Action: IT UNDERVARIOUS FED STATUES FOR 3 JUDGE COURT &FOR JUDGM SA RS 1950 Sect. 1221 thru 1224 of Title 13 is Unconstitutional Action sought: or Inj. against action by present olice juries until same is reapportianed.	Docket fee					
	Witness fees					
	Depositions					

13927

DATE 1968	PROCEEDINGS — Monroe	Date Order Judgment
7-12-68	Original complaint with exhibit attached, filed.	1
7-12-68	Original summons (13) with copies for service, issued.	
	Complaint delivered to Judge Dawkins, Jr., for consideration since it prays for convening of THREE JUDGE COURT. (Returned by BCDJR)	
7-18-68	Plaintiff's Order that the requestfor a 3 judge Court be DENIED AND THAT PLAINTIFF's application for injunctive relief be heard July 29th, 1968 at 9:30 A.M., signed and filed. (bcdjr) Notice of entry given.	2
7-18-68	Return on summons, filed: (9) Buren A.Bayles,John R.Howard,Miss Ida Mae Cobb, John E. Brown,Cecil E.Manning,Mrs. Naomi Rosenzweig,George F.Fox,Dorothy Morgel, & Captan Jack Wyly, all served 7-16-68.	3
7-19-68	Returns (4) on summonses filed: Fowler, Gremillion, Martin, & McKeithen served 7-16-68.	4
7-26-68	Motion by defendants and order upsetting hearing fixed in this case for 7-29-68; and REFIXING same at 9:30 AM on August 6, 1968, filed.(BCDJR) Notice of entry given by Clark on 7-26-68 by mailing copies of this entry to Mr. Gilfoil & Mr. Clarke.	5
8-6-68	Answer filed on behalf of defendants. Pretrial conference held this date. Case came on for hearing on application for reapportionment, both sides, announced ready, a stipulation was filed, matter submitted and ordered that there be judgment for plaintiff, enjoining the authorities from holding an election on 8-17-68 for Police Jury and School Board members, and directing the Police Jury of East Carroll Parish to file a plan for reapportionment by 10-1-68. Counsel for Pltf. is to prepare a decree in accordance with the Court's ruling and present same within 10 days.(BCDJR)	6 RART 7
8-6-68	Court Reporter's transcript of proceedings of 8-6-68, (4 pages), filed.	8
8-12-68	Judgment, containing Findings of Facts & Conclusions of Law; granting injunction against holding 8-17-68 election & directing Deft. Police Jury to submit reapportionment plan and that all police jurors & members of school board be elected pursuant to plan approved by this Court at November 1968 general election, filed.(BCDJR)	9
8-12-68	Writs to serve order granting injunction (13) with copies for service, issued.	
8-20-68	Returns (9) on writs issued 8-12-68 filed: Nine (9) services made on or about August 14, 1968. See returns for details.	10
8-22-68	Returnon (4) writs issued 8-12-68, filed: Services made on or about 8-13-68. See returns for details.	11
9-12-68	Letter to Judge Dawkins from Asst. Dist.Atty. Wm.B.Ragland,Jr. and handwritten order of Judge Dawkins thereon Extending to on or before December 1, 1968, the time in which Deft. Jury may submit its plan of reapportionment heretofore ordered by the Court, filed. (BCDJR) Notice of entry given by Clerk on 9-12-68 by mailing copies of this entry to Mr. Clarke, Mr. Ragland & Mr. Gilfoil.	12
12-2-68	Decree, approved as to form by counsel for each side, with incorporated plan of reapportionment of police jurors & school board members in East Carroll Parish, La., calling for new election in certain wards, & casting Deft. Police Jury to pay all costs herein taxed, filed.(BCDJR) Notice of entry given byClerk to Mr. Gilfoil & Mr. Ragland,Jr. by mailing copies of this entry to them on 12-2-68 & Mr. Gilfoil requested to furnish Clerk with sufficient copies of said decree to serve copy thereof on each Deft.	13
12-3-68	Writs (13) to Serve 12-2-68 Decree, with attached copies of said Decree, directed to USM to serve copy thereof on each defendant, issued.	
12-16-68	Application by plaintiff for taxation of Costs with attached memorandum of costs in total sum of $219.66; Notice by plaintiff that same will be taxed by the Clerk at Shreveport, La. on Tuesday, Dec. 17, 1968, at 10 AM, with certificate of service, filed.	14
12-17-68	At 10 AM on this date the Clerk, pursuant to plaintiff's application therefor, taxed Court Costs for Pltf. & against East Carroll Parish Police Jury in sum of $219.66. Notice of entry given on 12-18-68 by mailing copies of this entry to Mr. Ragland, Mr. Clarke, and Mr. Gilfoil.	

BEST COPY AVAILABLE

D. C. 110A Rev. Civil Docket Continuation

DATE 1968	PROCEEDINGS MONROE	Date Order or Judgment Not.
12-27-68	Letter to Judge Dawkins,Jr. dated 11-25-68 with attached resolution adopted by Deft. Police Jury on 11-18-68 setting foth plan to be incorporated in judgment, filed. (Judgment mentioned in this entry is presumably the one entered on 12-2-68).	15
12-13-68	Returns (4) on writs issued 12-3-68 filed: Four (4) services made on or about 12-9-68 - See returns for details.	16
1-3-69	Returns (9) on 12-3-68 writs filed: Services made on or about 12-4-68 - See returns for details.	17
-12-71	Letter to Judge Dawkins, Jr. from Asst.Dist.Atty. 6thJud.Dist.Court, E.Carroll Parish, wi th attached Police Jury and ~~RKX~~ School Board Reapportionment Plans, filed in response to Court's letter of ~~II~~ 2-17-71, filed.	18
-28-71	Set for hearing and/or trial on reapportionment on May 12, 1971.	
5-11-71	Motion by Stewart Marshal for leave to intervene as a plaintiff , Notice thereof, brief in Support thereof Order granting said motion; and attached complaint of intervenor, filed. (BCDJR)	19
5-12-71	This case came on for hearing on plan for reapportionment, after a conference, IT WAS ORDERED that plaintiff Intervenor file a suggested plan for reapportionment with map attached and brief in support thereof within 45 days and all parties are allowed 15 days thereafter in which to file opposition and brief in support thereto or opposition to plan on file by defendants. (BCDJR)	
-1-71	Plaintiff-Intervenors plans for Apportionment of the East Carroll Parish Police Jury and School Board, with attached maps, filed.	20
7-6-71	Motion by McIntosh, Hester, & Gilfoiland order signed by Judge Dawkins, Jr. permitting movers to withdraw as counsel of record for plaintiff, Charles F.Zimmer, with handwritten addition thereto, filed: ~~XRIXKXXXXf~~ "Plaintiff is to enroll new counsel within 30 daysor this case will be dismissed. Give him notice by certified mail, with return receipt requested."(BCDJR) Notice of entry given by Clerk 7-6-71 by ~~XX~~ mailing copies of this entry to Messrs. Halpin, Clarke, Ragland, and to Pltf. Zimmer thru Messrs. McIntosh,Hester & Gilfoil, since Clerk does not have Zimmer's address. (Said firm is ~~XXXX~~ hereby requested to forward this notice to Mr. Zimmer & place evidence of that fact in the record of this case)	21
-16-71	Defendant Jury's Alternative Plan of Reapportionment filed.	22
-20-71	East Carrol Parish School Board's plans of reapportionment filed pursuant to Judge Dawkins' order that same be filed within 15 days after the filing of the intervenor's plan, filed.	23
21-71	The Honorable Ben C. Dawkins, Jr. instructed the clerk to notify counsel that he has set a hearing in this case for Thursday, July 29th, 1971, at 1:00 P.M., in Monroe, Louisiana. Notice of entry given by clerk this date to Messrs. Zimmer, Halpin, Clarke, and Ragland.	24
-29-71	Case came on for hearing on a proposed plan filed by the East Carroll Parish School Board and Police Jury to reapportion; oral testimony adduced and documentary evidence filed on behalf of defendant until 5:00 P. M., and closed; oral testimony adduced and documentary evidence filed on behalf of plaintiff until 6:00 P. M., and closed. Oral arguments adduced on behalf of both sides. The Court ORDERED the plan submitted by the defendant to reapportion the East Carroll Parish School Board and Police Jury be approved as presented. Counsel for the defendants was instructed to prepare a formal judgment in accordance with the Court ruling. (BCDJR)	
-2-71	Decree in accord with Court's 7-29-71 ruling providing for the reapportionment of Deft. Jury & Board in accord with the plan set forth therein, filed (BCDJR) Notice of entry given by Clerk 8-3-71 by mailing certified copy thereof to Mr. Ragland and Mr. Halpin.	25

DATE 1971	PROCEEDINGS MONROE	Date Ord Judgment
8-9-71	~~XXXXXXXXX~~ Intervenor's Notice of Appeal from 8-2-71 judgment; Description of parts of transcript appellants intend to include in record & statement of issues they intend to present on appeal, and Bond for Costs on Appeal in sum of $250 - Sharon Myrick & Leslie Millenson, Sureties, filed. Copy of said documents mailed by Clerk 8-9-71 to Thompson L.Clarke. Copy of Notice ofAppeal also mailed by Clerk to Clerk of Court of Appeals on 8-9-71.	26
10-13-71	Order by Court of Appeals extending the time for filing the Court Reporter's transcript to and including October 28, 1971, filed.	27
10-18-71	Court Reporter's transcript (1 Vol. 81 Pages) of 7-29-71 proceedings before Judge Dawkins, Jr., filed.	28

UNITED STATES DISTRICT COURT
Western District of Louisiana
This is to certify that the above and foregoing contained on this and preceding 3 page(s) is a true and correct copy of the original.

October 27 1971
ALTON L. CURTIS, Clerk
By Carolyn Lane Lee
Deputy Clerk

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

CHARLES F. ZIMMER

CIVIL ACTION 13927

VERSUS

JOHN J. McKEITHEN
JACK P. F. GREMILLION
WADE O. MARTIN, JR.
DOUGLAS FOWLER
CAPTAN JACK WYLY
DOROTHY MORGEL
GEORGE F. FOX
MRS. NAOMI ROSENZWEIG
CECIL E. MANNING
JOHN E. BROWN
MISS IDA MAE COBB
JOHN R. HOWARD
BUREN A. BAYLES

U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED
11:30 am
ALTON L. CURTIS, CLERK
By: Deputy

COMPLAINT

I.

This action is brought under and this court has jurisdiction pursuant to Section 2 of Article 4 of the Constitution of the United States, which provides as follows:

> "The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states."

And Section 1 of the Fourteenth Amendment to the Constitution of the United States, which provides in part:

> "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person within its jurisdiction the equal protection of the laws."

II.

This court has original jurisdiction of this action, and the plaintiff has the right to bring this suit, under the Civil Rights Act, 17th Statute L. 13, and 16th Statute L. 144; USC, Title 42, Section 1983 and 1988, which provide as follows:

"Section 1983. Civil Action for Deprivation of Rights.

Every person who, under color of any statute, ordinance, regulation, custom or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in any action at law, suit in equity, or other proper proceeding for redress." (R.S. Sec. 1979)

and

"Section 1988. Proceedings in vindication of Civil Rights.

The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of this chapter and Title 18, for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States,so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal case is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty. (R.S. Sec. 722)

Additionally, this Court has jurisdiction under 62 Stat. L. 932, 28 U.S.C. 1343(3) and 1343(4). This section reads as follows:

"Section 1343. Civil Rights and Elective Franchise.

The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(3) To redress the deprivation, under color of any state law, statute, ordinance, regulation, custom or usage of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or all persons within the jurisdiction of the United States.

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote. As amended Sept. 3, 1954, c 1263, Sec. 42, 68 Stat. 1241; Sept. 9, 1957, Pub. L. 85-315, Part III, Sec. 121, 71 Stat."

III.

Under 62 Stat., L. 968; 28 U.S.C. Section 2281, et seq., special provision is made for hearing cases of action involving restraining the enforcement, operation or execution of any state statute by restraining the action of any officer of such state whenever said application is based on the unconstitutionality of such statute.

IV.

Relief hereunder is also sought pursuant to Federal Declaratory Judgment Act. U.S.C. Title 28, Section 2201, which provides:

"In a case of actual controversy within its jurisdiction, except with respect to Federal taxds, any Court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such."

And Section 2202, which provides:

"Further necessary or proper relief based on a declaratory judgment or decree may be granted, after reasonable notice and hearing, against any adverse party whose rights have been determined by such judgment."

V.

Under U.S.C. Title 28, Section 2281, et seq., provision is made for the convening of a three Judge District Court where the relief requested is an interlocutory or permanent injunction restraining the enforcement, operation, or execution of any state statute by restraining the action of any officer of such state in the enforcement or execution of such statute. As appears more fully below, plaintiff seeks such relief and requests the convening of such Court.

VI.

Plaintiff is a citizen and taxpayer of the United States and of the State of Louisiana, and a resident of the Parish of East Carroll, whose address is Lake Providence, Louisiana, and who is a duly qualified registered voter (Democrat) of Ward 3 of the Parish of East Carroll, Louisiana, and is entitled to vote in primary, general and special elections for members of the Police Jury and School Board in and for the Parish of East Carroll, State of Louisiana.

VII.

The above named plaintiff brings this action on his own behalf, and on behalf of all other voters in the Parish of East Carroll, State of Louisiana, who are similarly situated.

VIII.

The defendants and each of them are citizens of the United States and of the State of Louisiana and reside in said state, and are sued in their representative capacity as hereinafter set forth.

IX.

The defendant, John J. McKeithen, is the duly elected and acting Governor of the State of Louisiana, and as Governor, has functions to perform with reference to the election laws of the State of Louisiana, which are set forth hereinafter, and also as Governor and Chief Executive Officer of the State of Louisiana, with offices in the State Capitol at Baton Rouge, Louisiana, in the Parish of East Baton Rouge, under U.S.C. Title 28, Section 2284 must be notified of any action in a United States court involving the enforcement of a state statute.

X.

The defendant, Jack P. F. Gremillion, is the duly elected and acting Attorney General of the State of Louisiana, and is Chief Legal Officer of the State, with offices in the State Capitol at Baton Rouge, Louisiana, Parish of East Baton Rouge, Louisiana, and under the provisions of Louisiana R. S. 13:4241, and under U.S.C. Title 28, Section 2284 must be notified of any action in a United

States Court involving the enforcement of a state statute.

XI.

The dfendant, Wade O. Martin, Jr., is the duly elected and acting Secretary of State of the State of Louisiana, with offices in the State Capitol at Baton Rouge, Louisiana, Parish of East Baton Rouge, Louisiana, and as Secretary of State has certain duties with reference to the holding of elections for Members of the Police Jury and School Board in and for the Parish of East Carroll, State of Louisiana, as hereinafter set forth.

XII.

The defendant, Douglas Fowler, is the duly elected and acting State Custodian of Voting Machines of the State of Louisiana with offices in the Pentagon Courts, Baton Rouge, Louisiana, in the Parish of East Baton Rouge, Louisiana, and as State Custodian of Voting Machines has certain duties with reference to the holding of elections for Members of the Police Jury and School Board in and for the Parish of East Carroll, State of Louisiana, as hereinafter set forth.

XIII.

This action is brought against the following named defendants in their representative capacities and they are sued individually and also as representatives of all of the officials of the Democratic Committee in and for the Parish of East Carroll, State of Louisiana, and of members of the Board of Supervisors of Elections in and for the Parish of East Carroll, State of Louisiana, each having the duties and responsibilities as hereinafter set forth pertaining to the elections of Members of the Police Jury and School Board in and for the Parish of East Carroll, State of Louisiana:

(a) Defendant, Captan Jack Wyly, whose residence address is Highway 65 North, Lake Providence, Louisiana, is the duly elected and acting Chairman of the Democratic Executive Committee for the

Parish of East Carroll, State of Louisiana.

(b) Defendant, Dorothy Morgel, whose residence address is Herring Street, Lake Providence, Louisiana, is the duly elected and acting Secretary of the said Democratic Executive Committee for the Parish of East Carroll, State of Louisiana.

(c) Defendant, George F. Fox, whose residence address is Island Point Drive, Lake Providence, Louisiana, is the duly appointed and acting President of the Board of Supervisors of Elections of the Parish of East Carroll, State of Louisiana.

(d) Defendant, Mrs. Naomi Rosenzweig, whose residence address is 309 Davis Street, Lake Providence, Louisiana, is a duly appointed Member of the Board of Supervisors of Elections of the Parish of East Carroll, State of Louisiana.

(e) Defendant, Cecil E. Manning, ose residence address is Highway 65 North, Lake Providence, Louisiana, is the duly appointed Registrar of Voters and member of the Board of Supervisors of Elections of the Parish of East Carroll, State of Louisiana.

XIV.

This action is brought against the following named defendants in their representative capacities and they are sued individually and also as representatives of all of the officials and members of the Police Jury for East Carroll Parish, Louisiana, and of all of the officials and members of the School Board for East Carroll Parish, Louisiana:

(a) Defendant, John E. Brown, whose residence address is Highway 65 North, Lake Providence, Louisiana, is the duly elected and acting President of the Police Jury for East Carroll Parish, Louisiana.

(b) Defendant, Miss Ida Mae Cobb, whose residence address is 1706 Lake Street, Lake Providence, Louisiana, is the duly appointed and acting Secretary of the Police Jury of East Carroll Parish, Louisiana.

(c) Defendant, John R. Howard, whose residence address is Highway 65 North, Lake Providence, Louisiana, is the duly elected and acting President of the School Board for East Carroll Parish, Louisiana.

(d) Defendant, Buren A. Bayles, whose residence address is Schneider Lane, Lake Providence, Louisiana, is the duly appointed and acting Secretary of the School Board for East Carroll Parish, Louisiana.

XV.

The primary question herein is the constitutionality of the apportionment of members of the Police Jury and School Board for the Parish of East Carroll, State of Louisiana, and the re-apportionment of the Police Jury and School Board for the Parish of East Carroll, State of Louisiana, as set forth in Title 33, Sections 1221, through 1224 of the Louisiana Revised Statutes of 1950, as amended, and the holding of elections for members of the Police Jury and School Board for the Parish of East Carroll, State of Louisiana, thereunder.

XVI.

Title 33, Section1221 of the Louisiana Revised Statutes of 1950, as amended, provides as follows:

> "Election of police juries
>
> At every general state election, there shall be elected as many police jurors for each ward of each parish in this state, by the qualified voters of said wards, as provided by law."

XVII.

Title 33, Sections 1222 through 1224 of the Louisiana Revised Statutes of 1950, as amended ,provides for and determines the number of police jurors each ward of a parish is allotted, as well as the granting of authority for the redistricting of the wards; said aforementioned statutes provide as follows:

> "Section 1222. Additional police jurors in parishes having 50,000 or more inhabitants.

In parishes having a population of fifty thousand or more, for each parish ward, there shall be elected, in the manner provided by law, in addition to the police juror to which the ward is entitled, one additional police juror for each ten thousand inhabitants which the ward contains, said apportionment to be based upon the last preceding United States census; also one additional police juror for each additional ten thousand inhabitants, or part thereof in excess of seven thousand five hundred, to be selected from the resident voters of the ward."

"Section 1223. Additional police jurors in parishes having less than 50,000 inhabitants.

In each parish having a population of less than fifty thousand inhabitants, there shall be elected in the manner provided by law in addition to the police juror to which the ward is entitled, an additional police juror for each five thousand inhabitants which the ward contains; also, one additional police juror for each additional five thousand inhabitants or part thereof in excess of twenty-five hundred inhabitants. The police jurors shall be residents of the ward from which they are elected and shall be elected by the voters of the ward."

"Section 1224. Police Jury may redistrict parish into wards; appointment of temporary officers.

The policy jury of each parish may redistrict their parish into not less than five or more than twelve police jury wards, as the convenience of the people may require, and shall at the same time district these police jury wards into one or more justice of the peace and election wards, as they think proper, and shall designate said wards numerically and in consecutive order. No police jury shall redistrict their parish as herein provided except by a two-thirds vote of the police jury, recorded by yeas and nays. Whenever any policy jury redistricts their parish and creates more than the number of wards such parish presently contains, the police jurors, justices of the peace and constables of the additionally created wards shall be appointed therefor by the governor, by and with the advice and consent of the senate, to serve until the next general election."

XVIII.

The apportionment and reapportionment of parish school boards (those without special legislative authority to reapportion) is strictly dependent upon the apportionment and number of members of the Policy Jury in each parish. The East Carroll Parish School

Board does not have the special legislative authority to reapportion itself.

XIX.

The geographical location of the wards in East Carroll Parish, Louisiana, has not changed for a number of years; however, pursuant to R.S. 33:1223, supra, a third police juror was added to Ward 3 in 1967 (the third member was actually elected and took office in 1968).

XX.

According to the 1960 United States census, the Parish of East Carroll, State of Louisiana, had a total population of 14,433 inhabitants.

XXI.

According to the 1960 United States census, the population of the seven wards of East Carroll Parish, Louisiana, together with the present number of registered voters in the seven wards of East Carroll Parish, and together with the number of police jurors and school board members representing each ward, is as follows:

WARD	NUMBER OF POLICE JURORS AND SCHOOL BOARD MEMBERS	POPULATION PER JUROR OR SCHOOL BOARD MEMBER	REGISTERED VOTERS PER JUROR OR SCHOOL BOARD MEMBER
1	1	1,399	443
2	1	2,050	706
3	3 (only 2 shool board members, as hereinafter set forth)	7,851	3,878
4	1	395	86
5	1	983	345
6	1	720	250
7	1	1,035	281

XXII.

Under the laws of Louisiana, pertaining to apportionment and reapportionment of parish police juries and school boards, the wards can be redistricted only if on the approval of two-thirds of a

quorum of policy jury members, and upon proper resolution by said jurors. However, the police jury's only discretion in reapportioning is redrawing ward boundary lines - it can not determine the number of jurors per ward, nor can it determine the ratio of people or voters to police jurors; the ratio of people to police jurors is fixed by legislative act, namely, Title 33, Section 1222 and 1223 of Louisiana Revised Statutes, as amended, supra. Parishes with population less than fifty thousand are entitled to one juror for each ward as well as an additional one juror for every five thousand people in the ward, or a part thereof exceeding two thousand five hundred people. Since the number of parish school board members is determined by the number of members on the police jury in each parish, the same situation holds for all parish school boards not having legislative authority to reapportion themselves, and particularly to the East Carroll Parish, Louisiana School Board.

XXIII.

The Louisiana laws now applicable to apportionment and reapportionment of police jurors and school board members substantially vary from the equal population rule for the drawing of districts for units of local government as required by the Fourteenth Amendment to the Constitution of the United States; it is obvious that the densely populated areas have been and are grossly underrepresented; and that the sparsely populated areas are overrepresented. The present Louisiana laws relating to the redistricting of police juries and school boards do not permit these inequities to be remedied.

XXIV.

The provision of Louisiana law which guarantees each ward of a parish at least one juror is impractical from the standpoint of achieving proper reapportionment and, inconsistent with the concept of equal representation - this guarantee is based upon the now antiquated concept of geographical representation.

The provision of law which establishes a fixed ratio of 10,000 or 5,000 people for each additional representative of a police jury ward now serves as an impediment in achieving equal representation. The fixed ratio concept was acceptable and achieved a certain degree of equity in representation when apportionment was permissible on a geographical basis and this was the case in the 1940's when the law was drafted. But the "one-man, one-vote" rule of representation today would necessitate that the ratio of people to representatives be variable and be determined by the total number of such representatives and the total number of people in the overall area.

XXV.

Plaintiff, as a citizen of the United States, the State of Louisiana, and Ward 3 of East Carroll Parish, is denied equal protection of the law accorded to him by Section 1 of the Fourteenth Amendment to the Constitution of the United States. This provision of the Constitution of the United States contains a guarantee to the citizens of their right to vote in state and local elections and that their vote shall be equally effective with any other vote cast at said election.

XXVI.

Due to the failure of the police jury of East Carroll Parish, Louisiana, to redistrict, and to the impossibility of its redistricting resulting in equal population districts, the votes of plaintiff and others similarly situated are debased and they are denied the equal protection of the law as guaranteed by the Fourteenth Amendment.

XXVII.

The present apportionment of the police jury and school board of East Carroll Parish, Louisiana, as shown above, constitutes "invidious discrimination" in violation of the equal protection clause of the Fourteenth Amendment and is, therefore, unconstitutional, null, and void.

XXVIII.

The East Carroll Parish School Board and the East Carroll Parish Police Jury have general governmental powers over the entire geographic area of East Carroll Parish.

XXIX.

Title 33, Sections 1221 through 1224,relating to apportionment and reapportionment of police jury wards (and consequently parish school boards)are contrary to the equal protection clause of the Fourteenth Amendment to the Constitution of the United States and therefore unconstitutional, null, and void.

XXX.

Plaintiff, as a citizen of the United States and of the State of Louisiana, has the right conferred by the Constitution of the United States and of the Constitution of the State of Louisiana to have the entire membership of the police jury and school board for East Carroll Parish, Louisiana, reapportioned and elected on the basis of the 1960 U.S. Census pursuant to the "one-man, one-vote" rule.

XXXI.

The laws of the State of Louisiana provide that members of the parish police juries are elected for a term not exceeding the next general election.

XXXII.

The laws of the State of Louisiana provide that members of the parish school boards are elected for a term of six years.

XXXIII.

The laws of the State of Louisiana (R.S. 18:281) require all nominations of candidates by political parties for parochial offices of the State of Louisiana to be by direct primary and the Secretary of State of the State of Louisiana is prohibited from placing the name of any person as a candidate for any political

party on the ballots who is not nominated in accordance with the primary election laws of this state.

XXXIV.

Louisiana Revised Statutes 18:300 requires that within ten days after the call by the State Central Committee for the primary to nominate candidates for parochial offices,

> "... the respective district and parochial committes shall meet in order that all nominations for district, parochial and ward offices and for members of the Legislature of the State of Louisiana ..."

who are required by law to be voted on at the general state election, be made by direct primary to be held on the same date and at the same place at which candidates for state offices are voted for.

XXXV.

Louisiana Revised Statues 18:632 provides that:

> "The Secretary of State shall furnish, upon application, blank forms for the nomination of candidates."

which includes nomination of candidates for members of parochial offices of the State of Louisiana.

XXXVI.

As provided in Louisiana Revised Statutes 18:310, it is necessary that all persons desiring to become a candidate for a member of a parochial office of the State of Louisiana in the primary held by the respective parties to file their application with the respective officers of the committee designated in order to qualify as a candidate for election in the primary election called by the respective committees.

XXXVII.

As provided in Louisiana Revised Statutes 18:307 it is necessary that all objections to candidates for nomination by political parties, including candidates for members of parochial offices of the State of Louisiana, be filed with the committee, the chairman or the secretary thereof, who accepted the application of

the candidate for nomination, and it is further necessary that the committee shall meet and hear the evidence offered by any of the parties or their counsel as to the objection which has been filed with the committee.

XXXVIII.

As provided in Louisiana Revised Statutes 18:361(c), after the date has passed on which a candidate is allowed to enter and file his notification in the primary, if one or more of the rival candidates for any particular office of the State of Louisiana dies, the committee is obligated to reopen the period for qualifying for a period of five days after the death of the candidate, provided that the death occurs more than thirty (30) days before the date fixed for the primary.

XXXIX.

It is the duty and responsibility of the said Executive Committee, under the provisions of Louisiana R.S. 18:339, to select the commissioners and conduct the election, including that of candidates as nominees for members of parochial offices of the State of Louisiana, as provided in Louisiana R.S. 18:340.

XL.

It is the duty and responsibility of the Secretary of State of the State of Louisiana, under Louisiana R.S. 18:315, to furnish the ballots to be used in all primary elections, including that for nominees as candidates for members of parochial offices of the State of Louisiana.

XLI.

As provided in Louisian a R.S. 18:355, it is the duty of the Chairman of the said Executive Commiette, immediately upon receiving the returns mailed to him by the commissioners to open them and cause them to be tabulated and compiled and within six days after the primary the committee shall convene and the chairman thereof shall submit to it the tabulated statement showing

the results of the primary, including that for nominess as candidates for members of parochial offices of the State of Louisiana, and the original returns received by him.

XLII.

In the event no candidate or candidates, including that for member or members of parochial offices, receives a majority of the votes cast in the first primary, then it is the duty of the said Executive Committee, as provided in Louisiana R.S. 18:358, to select from those receiving the highest vote, candidates for the second primary, as set forth in Louisiana R.S. 18:358.

XLIII.

It is the duty of the said Executive Committee, as set forth in Louisiana R.S. 18:360, to canvass and compile the votes of the second primary, and to declare and to promulgate the results thereof in the same manner as in the first primary.

XLIV.

In the event only one candidate files for any particular office for which the primary has been called, under the provisions of Louisiana R.S. 18:361(c), the said Executive Committee ordering the primary shall be immediately convened and the person thus unopposed shall be declared to be the nominee of the party, without the necessity of holding a primary for that office.

XLV.

Louisiana R.S. 18:362 provides that in all cases where there are vacancies among the nominees elected by any political party, including that for members of parochial offices of the State of Louisiana, and if no person applies to become a candidate for a political office, including that for members of parochial offices, within the time fixed by law or the call of the committee ordering the primary, the committee may select a nominee and certify the name as the nominee of the party to the Secretary of State.

XLVI.

According to the provisions of Louisiana R.S. 18:544, the general election for State and Parish officers, shall be held once every four years on the first Tuesday next following the expiration of the seventh week after the date on which the second primary for nomination of candidates for such offices as held by political parties.

XLVII.

It is the duty and responsibility of the Governor of the State of Louisiana, under the provisions of Louisiana R.S. 18:545, to issue a proclamation giving notice at least thirty days before every general election, including that for members of parochial offices of the Stateof Louisiana, and to have said proclamation published in the official journal of the State of Louisiana.

XLVIII.

It is the duty and responsibility of the Board of Supervisors, under the provisions of Louisiana R. S. 18:555, to appoint the election commissioners from lists furnished by each political party authorized to make nominations, which commissioners shall maintain order and enforce obedience of their lawful commands during an election (Louisiana R. S. 18:558); to canvass and count the ballots immediately upon closing of the polls (Louisiana R.S. 18:560); to announce the vote thereof as soon as the count has been completed (Louisiana R.S. 18:561); and to make due return thereof as required by Louisiana R.S. 18:567, including elections for members of the Senate of the State of Louisiana.

XLIX.

It is the duty and responsibility of the Board of Supervisors of each parish, within six days after the closing of the polls, to make a true compiled statement of the returns of the commissioners showing the results of the election, including members of parochial offices of the State of Louisiana, and to forward a copy of the same to the Secretary of State of the State of Louisiana,

and one to the Clerk of the district court for the Parish in which the election is held as provided in Louisiana R.S. 18:567.

L.

It is the duty of the Secretary of State of the State of Louisiana, under the provisions of Louisiana R.S. 18:567, to furnish, at the expense of the state, envelopes, blank statements, blank affidavits, and all necessary blank forms for use by the commissioners at each polling place in the conduct of the election count and canvass and return of the votes cast at each election, including that for members of parochial offices of the State of Louisiana.

LI.

It is the duty and responsibility of the Secretary of State of the State of Louisiana to furnish the official ballots for the voting, upon candidates, including those for members of parochial offices, at general elections as provided in Louisiana R.S. 18:672.

LII.

It is the duty and responsibility of the Secretary of State of the State of Louisiana, under the provisions of Louisiana R.S. 18:691, to prepare full instructions for the guidance of voters, as to obtaining ballots, the manner of marking them, the method of obtaining assistance and obtaining new ballots in place of those accidentally spoiled for use at each election including that for members of parochial offices of the State of Louisiana.

LIII.

It is the duty and responsibility of the Secretary of State of the State of Louisiana, under the provisions of Louisiana R.S. 18:701, to send a sufficient number of tally sheets and cards of instruction to the boards of supervisors of each of the several parishes of the State for voting on all candidates, includ-

ing that for members of parochial offices of the State of Louisiana.

LIV.

It is the duty and responsibility of the Secretary of State of the State of Louisiana, under Louisiana R.S. 18:1174, to prepare and certify the ballots to be used in the voting machines, and to prepare the absentee ballots and furnish them to the clerks of court for the various parishes and municipalities and to furnish to the Custodian of Voting Machines the necessary ballots to be inserted upon the face of the voting machines for the voting of candidates, including that for members of parochial offices of the State of Louisiana.

LV.

It is the duty of and responsibility of the Secretary of State of the State of Louisiana, under the provisions of Louisiana R.S. 18:1072, to furnish to the clerk of the district court for each respective parish absentee ballots for the voting upon candidates for various offices in any primary, special or general election, including that for members of parochial offices of the State of Louisiana.

LVI.

It is the duty of Douglas Fowler, the duly elected Custodian of Voting Machines of the State of Louisiana, under the provisions of Louisiana R.S. 18:1175, immediately upon being furnished by the Secretary of State with ballots as required by Louisiana R. S. 18:1174, to prepare the voting machines for election, including that for members of the Senate, by placing them in order, inserting the proper ballot, and testing and adjusting the machines for the election.

LVII.

It is the duty and responsibility of the Custodian of Voting Machines, under the provisions of Louisiana R.S. 18:1163, to prepare all voting machines necessary for elections and deliver

the machines and other election supplies to the custody of the Parish Custodian in complete readiness for use at the polls, including that for members of parochial offices of the Stateof Louisiana.

LVIII.

Cost of all ballots, sample ballots, seals, envelopes, tabulation blanks, poll lists and certificates, promulgating election results and of all other election materials and supplies necessary or required by law for the primary and general elections (including special elections) for state and parish offices throughout the state, shall be paid by the Secretary of State from appropriations to the office of the Secretary of State, as provided in Louisiana R.S. 18:1195(d).

LIX.

Under Article VIII, Section 15 of the Constitution of the State of Louisiana, and Louisiana R.S. 18:732, it is the duty and responsibility of the Secretary of State of the State of Louisiana to receive certifications of the clerks of court of the various parishes of the state when there are no independent candidates and that only one party nominates for the particular office, which may include the office of a member of the Senate of the State of Louisiana, and when the Secretary of State of the State of Louisiana certifies that such certificates have been filed with him, the Governor of the State of Louisiana may direct the Board of Supervisors of elections, to dispense with the holding of any general election, except general state election and any congressional election, and to certify the only candidate to be the choice of the people, and duly elected to said office, which office may include a member of the Senate of the State of Louisiana.

LX.

It is the duty and responsibility of the Secretary of State of the State of Louisiana, under the provisions of Louisiana R.S. 18:570, to publish in the official journal of the State of

Louisiana the names of all candidates voted for and the number of votes cast for each, as shown by the returns transmitted to him by the Board of Supervisors of elections of each parish of the State and he shall declare the persons receiving the greatest number of votes cast for the office for which persons were candidates to have been duly elected.

LXI.

For these reasons, the provisions of the United States Constitution, the Federal Statutes, the Constitution of the State of Louisiana, and the State Statutes hereinabove cited and referred to, the plaintiff is entitled to have the police jury membership and school board membership of the Parish of East Carroll, State of Louisiana, reapportioned or redistricted on the basis of the "one-man, one-vote" rule of representation, and for a writ of injunction prohibiting the defendants, and each of them, from holding any election, primary or general, for members of the police jury and school board for the Parish of East Carroll, State of Louisiana, not consistent with the above, all in accordance with law.

LXII.

The East Carroll Parish Democratic Executive Committee met on the 17th day of June, 1968, and issued a call for an election for nominees to the school board from Wards 1, 5, and 6 of East Carroll Parish, Louisiana, and for an election for a nominee from Ward 7 to the police jury of East Carroll Parish, Louisiana, said primary election to be held on August 17, 1968; a certified copy of the resolution calling for this election is attached hereto and made a part hereof as "Exhibit Zimmer No. 1." Unless defendants are restrained from holding said election, plaintiff, and all others similarly situated, will be denied their constitutional right to participate in the election of school board members and in the election of a police jury member.

LXIII.

Nominations have been, in the past, tantamount to election in East Carroll Parish, Louisiana. Over ninety per cent of the registered voters in East Carroll Parish, Louisiana, are registered as Democrats. In any event, nomination of party candidates on a ward basis, just as election of candidates on a ward basis, when the wards have substantially unequal population, effectively deprives plaintiff of his right to vote in accordance with the "one-man, one-vote" rule.

WHEREFORE, the premises considered, plaintiff respectfully prays, on behalf of himself and others similarly situated, that this Honorable Court take jurisdiction of this matter; that a special three judge court be called to hear and determine this case as provided by law in 62 Stat. L. 968; 28 U.S.C. 2281, et seq., and declare the rights of the plaintiff and others similarly situated pursuant to 58 Stat. L. 890; 28 U.S.C. 2201, in the premises, to-wit:

A. The present apportionment and districting of the police jury and school board for the Parish of East Carroll, State of Louisiana, has deprived and continues to deprive plaintiff of liberty and property without due process of law and has denied and continues to deny plaintiff the equal protection of the laws in violation of the Fourteenth Amendment of the Constitution of the United States;

B. The police jury and school board of the Parish of East Carroll, State of Louisiana, be redistricted and reapportioned on the basis of "one-man, one-vote" rule of representation;

C. The right of plaintiff, and the rights of others similarly situated, to vote, as guaranteed by the laws and Constitution of the State of Louisiana and of the United States of America, have been impaired;

D. Sections 1221 through 1224 of Title 33, Louisiana Revised Statutes of 1950, as amended, be declared unconstitutional,

void, and uneforceable against the plaintiff and others similarly situated, as denying to them the basic guarantee of equal representation afforded by the equal protection clause of the United States Constitution; and alternatively, should this court decide that said statutes are not per se unconstitutional,

E. Sections 1221 through 1224 of Title 33, of Louisiana Revised Statutes 1950, as amended, have been applied and continue to be applied by the police jury of the Parish of East Carroll, State of Louisiana, in such a manner as to deprive plaintiff and others similarly situated of the equal protection of the laws guaranteed to them by the Fourteenth Amendment to the Constitution of the United States.

Plaintiff further prays that an interlocutory injunction issue herein, restraining and enjoining the defendants herein, and each of them, from proceeding with the proposed primary elections of August 17, 1968, or, alternatively, ordering said election be held with all candidates running at large in East Carroll Parish, Louisiana; and

Plaintiff further prays for all such additional orders, interlocutory decrees, and such other general and equitable relief as the plaintiff may prove himself from time to time entitled.

Charles F. Zimmer, Plaintiff

McINTOSH, HESTER & GILFOIL
P. O. BOX 468
LAKE PROVIDENCE, LOUISIANA 71254
ATTORNEYS FOR PLAINTIFF

BY: Mason P. Gilfoil

June 17, 1968.

The East Carroll Parish Democratic Executive Committee met this day in the Police Jury Office, Court House, Lake Providence, Louisiana. All members were present in person or by proxy except Max E. Stockner, Arthur Thompson, L.E. Pippin.

The Chairman stated that the purpose of the meeting was to call an election for the members of School Board, from Wards One, Five and Six of East Carroll Parish, Louisiana, and an election for Police Juror, Ward Seven, East Carroll Parish, Louisiana.

Motion by Sam D. Sandidage: That an election be held for the office of Policy Juror for Ward Seven, East Carroll Parish, Louisiana; said Primary Election to be held August 17, 1968. Seconded and Carried.

Motion by Jo Ann Cook: That an election be hld on August 17, 1968 for the offices of School Board Member from the following Wards: Ward One, Five and Six. Seconded and Carried.

Motion by Jo Ann Cook that the qualifying fee shall be set at the sum of $26.00 for candidates for both the School Board Offices and the Policy Jury Office. Seconded and Carried.

Motion: by Sam D. Sandidage. That the period in which all qualified persons shall file the proper papers shall be from this date to and inclusive of June 24, 1968 at the hour of 6:00 P.M. o'clock, and that all papers shall be Filed with the Chairman at his office at 106 Hood Street, Lake Providence, Louisiana.

Motion that meeting recess until 6:00 P.M. o'clock June 24, 1968. Carried.

Minutes signed by the Chairman and Acting Secretary, this the 18th day of June, 1968.

Chairman, East Carroll Parish Democratic Executive Committee.

Jo Ann Cook
Acting Secretary.

BEST COPY AVAILABLE

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

CHARLES F. ZIMMER

VERSUS CIVIL ACTION NO. 13927

JOHN J. McKEITHEN
JACK P. F. GREMILLION
WADE O. MARTIN, JR.
DOUGLAS FOWLER
CAPTAN JACK WYLY
DOROTHY MORGEL
GEORGE F. FOX
MRS. NAOMI ROSENZWEIG
CECIL E. MANNING
JOHN E. BROWN
MISS IDA MAE COBB
JOHN R. HOWARD
BUREN A. BAYLES

U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED
JUL
ALTON L. CURTIS, CLERK
By: Deputy

ORDER

The request by plaintiff for a three judge court, pursuant to 28 U.S.C. Section 2281, et seq., was presented to the court this date. The complaint alleges, generally, that plaintiff and others similarly situated have been and continue to be denied equal protection of the laws in the election of school board members and police jurors in East Carroll Parish because of the great disparity in the population of the several wards in said parish. The complaint further alleges that the police jury and school board of said parish have general governmental powers and prays, among other things, for injunctive relief in the primary election scheduled for August 17, 1968.

In view of the decision of the Supreme Court of the United States in Avery v. Midland County, Texas (April, 1968), _____U. S. _____, 88 S. Ct. 1114, _____ L. Ed. 2d _____, this court is of the opinion that there is an insubstantial constitutional question presented by the complaint herein and the request for a three-judge court should be

denied. It is, therefore,

ORDERED, that the request for a three judge court herein be, and it is hereby, denied; and

IT IS FURTHER ORDERED that plaintiff's application for injunctive relief be heard on July 29, 1968, at 9:30 a.m., at Monroe, Louisiana.

Signed at Shreveport, Louisiana, this 18th day of July, 1968.

Ben C. Dawkins, Jr.
Chief Judge, United States
District Court for the
Western District of Louisiana

U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED
AUG 6 - 1968
ALTON L. CURTIS, CLERK
BY Alton L. Curtis
DEPUTY

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

*** **** ***

CHARLES F. ZIMMER CIVIL ACTION NO. 13927

VERSUS

JOHN J. McKEITHEN
JACK P. F. GREMILLION
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DOUGLAS FOWLER
CAPTAN JACK WYLY
DOROTHY MORGEL
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MRS. NAOMI ROSENZWEIG
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JOHN E. BROWN
MISS IDA MAE COBB
JOHN R. HOWARD
BUREN A. BAYLES

*** **** ***

ANSWER OF DEFENDANTS

NOW INTO COURT come all Defendants herein and for answer to the complaint respond, article by article, as follows:

1.

For lack of sufficient information upon which to justify a belief, Article 1 is denied.

2.

For lack of sufficient information upon which to justify a belief, Article 2 is denied.

3.

No response is required.

4.

For lack of sufficient information upon which to justify a belief, Article 4 is denied.

5.

For lack of sufficient information upon which to justiy a belief, Article 5 is denied.

6.

Respondents admit Article 6.

7.

For lack of sufficient information upon which to justify a belief, Article 7 is denied.

8.

Respondents admit Article 8.

9.

Respondents admit Article 9.

10.

Respondents admit Article 10.

11.

Respondents admit Article 11.

12.

Respondents admit Article 12.

13.

Respondents admit Article 13.

14.

Respondents admit Article 14.

15.

For lack of sufficient information upon which to justify a belief, Article 15 is denied.

16.

Respondents admit Article 16.

17.

Respondents admit Article 17.

18.

Respondents admit Article 18.

19.

Respondents admit Article 19.

20.

Respondents admit Article 20.

21.

Respondents admit Article 21.

22.

Respondents admit Article 22.

23.

For lack of sufficient information upon which to justify a belief, Article 23 is denied.

24.

For lack of sufficient information upon which to justify a belief, Article 24 is denied.

25.

For lack of sufficient information upon which to justify a belief, Article 25 is denied.

26.

For lack of sufficient information upon which to justify a belief, Article 26 is denied.

27.

For lack of sufficient information upon which to justify a belief, Article 27 is denied.

28.

Respondents admit Article 28.

29.

For lack of sufficient information upon which to justify a belief, Article 29 is denied.

30.

For lack of sufficient information upon which to justify a belief, Article 30 is denied.

31.

Respondents admit Article 31.

32.

Respondents admit Article 32.

33.

Respondents admit Article 33.

34.

Respondents admit Article 34.

35.

Respondents admit Article 35.

36.

Respondents admit Article 36.

37.

Respondents admit Article 37.

38.

Respondents admit Article 38.

39.

Respondents admit Article 39.

40.

Respondents admit Article 40.

41.

Respondents admit Article 41.

42.

Respondents admit Article 42.

43.

Respondents admit Article 43.

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Respondents admit Article 44.

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Respondents admit Article 45.

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Respondents admit Article 46.

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Respondents admit Article 47.

48.

Respondents admit Article 48.

49.

Respondents admit Article 49.

50.

Respondents admit Article 50.

51.

Respondents admit Article 51.

52.

Respondents admit Article 52.

53.

Respondents admit Article 53.

54.

Respondents admit Article 54.

55.

Respondents admit Article 55.

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Respondents admit Article 56.

57.

Respondents admit Article 57.

58.

Respondents admit Article 58.

59.

Respondents admit Article 59.

60.

Respondents admit Article 60.

61.

For lack of sufficient information upon which to justify a belief, Article 61 is denied.

62.

Respondents admit the alleged election is to be held on August 17, 1968, but otherwise deny all other allegations made and contained in Article 62.

63.

For lack of sufficient information upon which to justify a belief, Article 63 is denied.

WHEREFORE, RESPONDENTS PRAY THAT:

1. This Honorable Court refuse to take jurisdiction of this matter;

2. The demands of the Plaintiff be rejected at his costs; and

3. Alternatively, Respondents be given until November 1,

1968, within which to present a plan of reapportionment to this Court consistent with the law, statutes and constitution of the United States of America.

JOHN J. McKEITHEN, JACK P. F. GREMILLION, WADE O. MARTIN, JR., DOUGLAS FOWLER

BY: Jack P. F. Gremillion
ATTORNEY GENERAL

CAPTAN JACK WYLY

DOROTHY MORGEL

GEORGE F. FOX, JR.

MRS. NAOMI ROSENZWEIG

CECIL E. MANNING

JOHN E. BROWN, MISS IDA MAE COBB, JOHN R. HOWARD, BUREN A. BAYLES

BY: William B. Ragland, Jr.
WILLIAM B. RAGLAND, JR.
Assistant District Attorney

U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED
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ALTON L. CURTIS, CLERK
BY Alton L. Curtis
DEPUTY

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

CHARLES F. ZIMMER

VERSUS CIVIL ACTION NO. 13927

JOHN J. McKEITHEN, ET AL

STIPULATION

It is stipulated and agreed that, if the witnesses were sworn and testified in the above entitled and numbered action and the available documentary proof introduced, that the following facts would thereby be established, and the parties hereto agree to the same the evidence of which, except for this agreement, need not be adduced upon the trial, the facts of this case being stipulated to be:

1.

Plaintiff, Charles F. Zimmer, is a citizen and taxpayer of the United States of America and of the State of Louisiana, and he is a resident of the Parish of East Carroll, whose address is Lake Providence, Louisiana, and he is a duly qualified registered voter (Democrat) of Ward 3of the Parish of East Carroll, Louisiana, and he is entitled to vote in primary, general and special elections for members of the police jury and school board in and for the Parish of East Carroll, State of Louisiana.

2.

The defendants are each citizens of the United States of America and of the State of Louisiana. John J. McKeithen is the duly elected and acting governor of the State of Louisiana. Jack P. F. Gremillion is the duly elected and acting attorney general of the State of Louisiana. Wade O. Martin, Jr. is the duly elected and acting secretary of state of the State of Louisiana. Douglas Fowler is the duly elected and acting state custodian of voting machines for the State of Louisiana. Captan Jack Wyly is

the duly elected and acting chairman of the Democratic Executive Committee for the Parish of East Carroll, State of Louisiana. Dorothy Morgel is the duly elected and acting secretary of the Democratic Executive Committee for the Parish of East Carroll, State of Louisiana. George F. Fox is the duly appointed and acting president of the Board of Supervisors of Elections of the Parish of East Carroll, State of Louisiana. Mrs. Naomi Rosenzweig is the duly appointed member of the Board of Supervisors of Elections for the Parish of East Carroll, State of Louisiana. Cecil E. Manning is the duly appointed Registrar of Voters and a member of the Board of Supervisors of Elections of the Parish of East Carroll, State of Louisiana. John E. Brown is the duly elected and acting president of the Police Jury for East Carroll Parish, Louisiana. Miss Ida Mae Cobb is the duly appointed and acting secretary of the Police Jury of East Carroll Parish, Louisiana. John R. Howard is the duly elected and acting president of the School Board of East Carroll Parish, Louisiana. Buren A. Bayles is the duly appointed and acting secretary of the School Board for East Carroll Parish, Louisiana.

3.

The apportionment and reapportionment of parish school boards (those without special legislative authority to reapportion) are strictly dependent upon the apportionment and number of members of the police jury in each parish. The East Carroll Parish School Board does not have the special legislative authority to reapportion itself.

4.

The geographical location of the wards in East Carroll Parish, Louisiana, has not changed for a number or years; however, pursuant to Louisiana R. S. 33:1223, a third police juror was added to Ward 3 in 1967 (the third member was actuallyelected and took office in 1968).

5.

According to the 1960 United States census, the Parish of East Carroll, State of Louisiana, had a total population of 14,433 inhabitants. According to said census, the population of the seven wards of East Carroll Parish, Louisiana, together with the present number of registered voters in the seven wards of East Carroll Parish, and together with the number of police jurors and school board members representing each ward, is as follows;

WARD	NUMBER OF POLICE JURORS AND SCHOOL BOARD MEMBERS	POPULATION PER JUROR OR SCHOOL BOARD MEMBER	REGISTERED VOTERS PER JUROR OR SCHOOL BOARD MEMBER
1	1	1,399	443
2	1	2,050	706
3	3 (only 2 school board members)	2,617 per police juror	1,292 per police juror
		3,925 per school board member	1,939 per school board member
4	1	395	86
5	1	983	345
6	1	720	250
7	1	1,035	281

6.

The East Carroll Parish School Board and the East Carroll Parish Police Jury have general governmental powers over the entire geographical area of East Carroll Parish.

7.

The East Carroll Parish Democratic Executive Committee met on the 17th day of June, 1968, and issued a call for an election for nominees to the school board in Wards 1, 5 and 6 of East Carroll Parish, Louisiana, and for an election for a nominee from Ward 7 to the police jury of East Carroll Parish, Louisiana, said primary election to be held on August 17, 1968.

8.

Democratic party nominations have been, in the past, tantamount to elections in East Carroll Parish, Louisiana. Over

ninety (90%) per cent of the registered voters in East Carroll Parish, Louisiana, are registered as Democrats. There have been no primary elections called to select nominees of any other political party for the general election to the school board and police jury in 1968, nor have there been any nominations for these positions by any other political party for the general election of 1968.

Thus entered into and signed at Monroe, Louisiana, this 1st day of August, 1968, by the undersigned attorneys for plaintiff and defendants.

McINTOSH, HESTER & GILFOIL
P. O. BOX 468
LAKE PROVIDENCE, LOUISIANA 71254
ATTORNEYS FOR PLAINTIFF

BY: Mason P. Gilfoil
Mason P. Gilfoil

THOMPSON L. CLARKE
ST. JOSEPH, LOUISIANA
ATTORNEY FOR DEFENDANTS

BY: Thompson L. Clarke
Thompson L. Clarke

8/6/68
Stipulation approved -
Ben C. Dawkins, Jr.
Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

FILED Aug 6-1968
By: [illegible]

CHARLES F. ZIMMER

vs. No. 13,927

JOHN J. MC KEITHEN, ET AL.

Transcript of proceedings in the above-entitled action, before the Honorable Ben C. Dawkins, Jr., United States District Judge, at Monroe, Louisiana, on August 6, 1968.

APPEARANCES:

Messrs:
MASON P. GILFOIL, Attorney for Plaintiffs.

WILLIAM B. RAGLAND, JR., Attorney for Defendants.

THE COURT: Do both sides announce ready?

MR. GILFOIL: The plaintiff is ready.

MR. RAGLAND: The defendants are ready.

THE COURT: Mr. Gilfoil, I believe you have a stipulation you want to offer in evidence.

MR. GILFOIL: Yes, sir. I would like to offer the stipulation in evidence.

THE COURT: Is there any opposition to the filing of this?

MR. RAGLAND: Your Honor, there is no opposition. We previously agreed.

THE COURT: On the facts as outlined in the stipulation and under the holding of the Supreme Court in the one man, one vote proposition, the Court has approved the stipulation on the undisputed facts as set forth therein.

MR. GILFOIL: As I understood it at our conference in chambers, your Honor intended to enjoin the upcoming election for police jurors and school board members on August 17, 1968.

THE COURT: The injunction will be against that election being held and the members of the police jury and school board will run at large from the entire parish.

MR. GILFOIL: As I understood it, your Honor, the Court was going to give the police jury until October 1, 1968 to come forth with a plan of reapportionment.

THE COURT: Correct.

MR. GILFOIL: And the attorney for the plaintiff was to submit a proposed decree within ten days enjoining the upcoming elections on August 17, 1968 and require the police jury to reapportion by October 1, 1968, under penalty of contempt.

THE COURT: Correct.

MR. GILFOIL: And that the elections under the plan approved will be held at the time of the general election on November 4, 1968; is that correct?

THE COURT: That is correct.

MR. RAGLAND: As to the census that we propose to take, the Court has no objection to the census if it is true and correct.

THE COURT: That is correct.

MR. RAGLAND: We wouldn't want to present a plan on an updated census of 1960.

THE COURT: That is too long ago. It will have to be updated as close as possible under the present circumstances.

MR. RAGLAND: On the matter of our office holders over there, our police jurors and school board members, your decree is saying that once the plan is accepted by the Court and ordered to be implemented, that at the general election in November you will order all the

office holders run anew and fill these newly vacated areas.

THE COURT: That is correct.

Is there anything else, gentlemen?

MR. GILFOIL: No, sir.

THE COURT: Court is adjourned.

C E R T I F I C A T E

I, SIDNEY YOUNG, Official Reporter, United States District Court, Western District of Louisiana, do hereby certify that the above and foregoing four pages of typewritten matter contain a true and correct reporting and transcription of the proceedings had at the time and place as hereinbefore set out on Page 1 hereof.

IN WITNESS WHEREOF I have hereunto affixed my signature at Shreveport, Louisiana, on this the 6th day of August, 1968.

SIDNEY YOUNG

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

LOUISIANA
Aug 12-1968
ALBERT D. LEE, CLERK
By:

CHARLES F. ZIMMER

VERSUS CIVIL ACTION NO. 13927

JOHN J. McKEITHEN, ET AL

ORDER GRANTING INJUNCTION, ETC.

This action came on the 6th day of August, 1968, to be heard on plaintiff's application for injunctive relief, after due notice had been given to all defendants herein. By agreement of counsel, it was ordered by the Court that the trial of the action on its merits be advanced and consolidated with the hearing on plaintiff's application for injunctive relief. Counsel for plaintiff and defendants filed a stipulation herein, which stipulation was approved by the Court and ~~the~~ made its finding of facts.

FINDING OF FACTS

Plaintiff, Charles F. Zimmer, is a citizen and taxpayer of the United States of America and of the State of Louisiana, and he is a resident of the Parish of East Carroll, whose address is Lake Providence, Louisiana, and he is a duly qualified registered voter (Democrat) of Ward 3 of the Parish of East Carroll, Louisiana, and he is entitled to vote in primary, general and special elections for members of the police jury and school board in and for the Parish of East Carroll, State of Louisiana.

The defendants are each citizens of the United States of America and of the State of Louisiana. John J. McKeithen is the duly elected and acting governor of the State of Louisiana. Jack P. Gremillion is the duly elected and acting attorney general of the State of Louisiana. Wade O. Martin, Jr., is the duly elected and acting secretary of state of the State of Louisiana. Douglas Fowler is the duly elected and acting state custodian of voting machines for the State of Louisiana. Captan Jack Wyly is

the duly elected and acting chairman of the Democratic Executive Committee for the Parish of East Carroll, State of Louisiana. Dorothy Morgel is the duly elected and acting secretary of the Democratic Executive Committee for the Parish of East Carroll, State of Louisiana. George F. Fox is the duly appointed and acting president of the Board of Supervisors of Elections of the Parish of East Carroll, State of Louisiana. Mrs. Naomi Rosenzweig is the duly appointed member of the Board of Supervisors of Elections for the Parish of East Carroll, State of Louisiana. Cecil E. Manning is the duly appointed Registrar of Voters and a member of the Board of Supervisors of Elections of the Parish of East Carroll , State of Louisiana. John E. Brown is the duly elected and acting president of the Police Jury for East Carroll Parish, Louisiana. Miss Ida Mae Cobb is the duly appointed and acting secretary of the Police Jury of East Carroll Parish, Louisiana. John R. Howard is the duly elected and acting president of the School Board of East Carroll Parish, Louisiana. Buren A. Bayles is the duly appointed and acting secretary of the School Board for East Carroll Parish, Louisiana.

The apportionment and reapportionment of parish school boards (those without special legislative authority to reapportion) are strictly dependent upon the apportionment and number of members of the police jury in each parish. The East Carroll Parish School Board does not have the special legislative authority to reapportion itself.

The geographical location of the wards in East Carroll Parish, Louisiana, has not changed for a number of years; however, pursuant to Louisiana R.S. 33:1223, a third police juror was added to Ward 3 in 1967 (the third member was actually elected and took office in 1968).

According to the 1960 United States census, the Parish of East Carroll, State of Louisiana, had a total population of 14,433 inhabitants. According to said census, the population of the seven wards of East Carroll Parish, Louisiana, together with

the present number of registered voters in the seven wards of East Carroll Parish, and together with the number of police jurors and school board members representing each ward, is as follows:

WARD	NUMBER OF POLICE JURORS AND SCHOOL BOARD MEMBERS	POPULATION PER JUROR OR SCHOOL BOARD MEMBER	REGISTERED VOTERS PER JUROR OR SCHOOL BOARD MEMBER
1	1	1,399	443
2	1	2,050	70ℓ
3	3 (only 2 school board members)	2,617 per police juror	1,292 per police juror
		3,925 per school board member	1,939 per school board member
4	1	395	86
5	1	983	345
6	1	720	250
7	1	1,035	281

The East Carroll Parish School Board and the East Carroll Parish Police Jury have general governmental powers over the entire geographical area of East Carroll Parish.

The East Carroll Parish Democratic Executive Committee met on the 17th day of June, 1968, and issued a call for an election for nominees to the school board in Wards 1, 5 and 6 of East Carroll Parish, Louisiana, and for an election for a nominee from Ward 7 to the police jury of East Carroll Parish, Louisiana, said primary election to be held on August 17, 1968.

Democratic party nominations have been, in the past, tantamount to elections in East Carroll Parish, Louisiana. Over ninety (90%) per cent of the registered voters in East Carroll Parish, Louisiana, are registered as Democrats. There have been no primary elections called to select nominees of any other political party for the general election to the school board and police jury in 1968, nor have there been any nominations for these positions by any other political party for the general election of 1968.

CONCLUSION OF LAW

The Supreme Court of the United States, in Avery versus Midland County, Texas (Apr., 1968) _____US _____, 88 Sup. Ct. 1114, _____L.Ed.2d, said:

> "When the State apportions its legislature, it must have due regard for the Equal Protection Clause. Similarly, when the State delegates lawmaking power to local government and provides for the election of local officials from districts specified by statute, ordinance, or local charter, it must insure that those qualified to vote have the right to an equally effective voice in the election process. If voters residing in oversize districts are denied their constitutional right to participate in the election of state legislators, precisely the same kind of deprivation occurs when the members of a city council, school board, or county governing board are elected from districts of substantially unequal population. If the five senators representing a city in the state legislature may not be elected from districts ranging in size from 50,000 to 500,000, neither is it permissible to elect the members of the city council from those same districts. In either case, the votes of some residents have greater weight than those of others; in both cases the equal protections of the law have been denied." (Page 1118, emphasis supplied).

It is apparent in this case that plaintiff, and others similarly situated, have therefore, been denied the equal protection of the laws in both the election of police jurors and members of the school board in East Carroll Parish, Louisiana. Equally apparent is the fact that they would continue to be denied equal protection of the laws if the proposed elections were permitted to be held.

ORDER

IT IS THEREFORE ORDERED that:

John J. McKeithen, Governor of the State of Louisiana,
Jack P. F. Gremillion, Attorney General of the State of Louisiana,
Wade O. Martin, Jr., Secretary of State of the State of Louisiana,
Douglas Fowler, State Custodian of Voting Machines for the State of Louisiana,
Captan Jack Wyly, Chairman of the Democratic Executive Committee for the Parish of East Carroll, State of Louisiana,
Dorothy Morgel, Secretary of the Democratic Executive Committee for the Parish of East Carroll, State of Louisiana,

George F. Fox, President of the Board of Supervisors of Elections of the Parish of East Carroll, State of Louisiana,
Mrs. Naomi Rosenzweig, Member of the Board of Supervisors of Elections for the Parish of East Carroll, State of Louisiana,
Cecil E. Manning, Registrar of Voters and a member of the Board of Supervisors of Elections of the Parish of East Carroll, State of Louisiana,
John E. Brown, President of the Police Jury for East Carroll Parish, Louisiana,
Ida Mae Cobb, Secretary of the Police Jury of East Carroll Parish, Louisiana,
John R. Howard, President of the School Board of East Carroll Parish, Louisiana,
Buren A. Bayles, Secretary of the School Board of East Carroll Parish, Louisiana,

and each of them, their officers, agents, servants, employees and attorneys, and those persons in active concert or participation with them, who receive actual notice of this order by personal service or otherwise, be enjoined, restrained and prohibited, in any and every way, from conducting a primary election for a member of the police jury of the Parish of East Carroll from the Seventh Ward thereof on August 17, 1968, and for members of the East Carroll Parish School Board from Wards 1 and 6 of East Carroll Parish on August 17, 1968, and it is further ordered that said parties are to remain so enjoined, restrained, and prohibited pending the further order of this Court.

IT IS FURTHER ORDERED that the East Carroll Parish Police Jury prepare and submit to this Court on or before October 1, 1968, a constitutionally satisfactory plan for the reapportionment of the Police Jury and School Board of East Carroll Parish in accordance with the "one-man, one-vote" rule announced in Avery vs. Midland County, Texas, Supra, and other related cases.

IT IS FURTHER ORDERED that all police jurors and all members of the School Board of East Carroll Parish be elected pursuant to a constitutionally satisfactory plan approved by this Court at the general election to be held in November, 1968, or as soon thereafter as is compatible with the laws of Louisiana relating to primary and general elections.

Signed at Shreveport, Louisiana, this 12th day of August, 1968.

Approved as to form:

William B. Ragland, Jr.,
Attorney for Defendants.

Ben C. Dawkins, Jr., Chief Judge,
United States District Court for
the Western District of Louisiana

Town of Lake Providence

LAKE PROVIDENCE, LOUISIANA 71254

FORD LAND, Mayor
GEORGE F. FOX, City Attorney
J. V. MAGGIO, Clerk

Aldermen:
P. G. MARRON
KIRBY TYRONE
HOWARD WHITE
HYLAND NELSON
F. E. FORTENBERRY

October 17, 1968

Honorable Ben C. Dawkins, Jr.
United States District Judge
United States Post Office Building
Shreveport, Louisiana

Dear Judge Dawkins:

I am writing today in regard to the reapportionment suit which has been filed concerning East Carroll Parish, Louisiana.

As Mayor of the only incorporated municipality in the Parish, I am concerned not only with the Police Jury and School Board being reapportioned in such a way as to give fair and equal representation to all citizens, but I am also interested in seeing that the Town of Lake Providence, which contains more than one-half the Parish population, has a fair representation on both these public Boards.

At this time, there are many people with many different ideas concerning reapportionment, and the public bodies in question may or may not be able to agree on a proposed plan before their next Court hearing. Whether they do or do not, I would like, as Mayor, to give you my thoughts on this subject, and to state that if the Town needs someone to speak on behalf of its position, I would be happy to appear and testify at any time.

Certain facts are clear, and some of these are as follows:

1) The Parish population is steadily declining. The 1940 census showed a Parish population of 19,023; the 1960 census showed 14,433; and the present population, based on a recent survey, is 12,388.

2) More than one-half the Parish population lives within the Town of Lake Providence. The recent survey showed 12,388 persons in the Parish, with 6,255 living in Town, or 50.2% of the population. The Town recently annexed an additional area, containing approximately 300 people, and the Town population now is 6,525 or 52.6% of the Parish population.

The Town had nothing to do with the bringing of the reapportionment suit, but now that it has been filed, it is clear to everyone who was not aware of it before, that the present Wards do not provide equal representation for the people of the Parish. The problem now is how to do so.

I am strongly in favor of geographical representation on both the Police Jury and School Board. This is historically the way these posts have been filled, and with good reason. A person should represent a certain area of the Parish where he lives, and where he personally knows the people and their problems and wishes, and where the people know him. The Police Jury members and School Board members should be elected from Wards, where they live, and only those persons living in that Ward should vote on their selection. It is not fair to ask a person running for these offices to campaign Parish wide. It would be too great a physical and financial undertaking for the average person. The very nature of the job, the salary which is paid, and the responsibility of the office, calls for this type selection.

With these thoughts in mind, I make the following recommendations:

1) That the Parish be redistricted to provide fair and equal representation for all persons and for all Wards;

2) The number of Wards to be reduced from 7 to 6, with one Police Juror and one School Board member to be elected from each Ward. This would mean a reduction in number from 9 to 6, on each Board, which would be in line with the drop in Parish population, and would provide for more efficient operation of both Boards. The more members, the more difficult it is for any Board or body to function harmoniously;

3) Have three Wards inside the Town of Lake Providence, which has 52.6% of the total Parish population, and three Wards outside the corporate limits of the Town.

Many people have stated that it is impossible to fairly and equally redistrict the Parish. I think this is a ridiculous statement, made by persons who do not want the Wards redrawn. Certainly, within certain accepted tolerances, the Parish could be divided into 6 wards, each containing approximately 2,064 people (1/6 of the total Parish population of 12,388).

It may be, for a variety of reasons, that neither the Police Jury or School Board will be able to agree on an acceptable plan of reapportionment which is based on redrawing the present ward lines, but this willnot be because it cannot be done.

As an alternative, and in the event this Court agrees with those who insist on at-large elections, then I still vigorously recommend a reduction in number from 9 to 6, with three members to be elected from inside the Town, and three from outside the Town. This would mean that three of the members of both bodies have to live inside the Town, and three would live outside the Town, although they would be voted on by everyone living within the Parish.

Respectfully,

Ford Land =Mayor=
Town of Lake Providence, La.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

CHARLES F. ZIMMER

VERSUS CIVIL ACTION NO. 13927

JOHN J. McKEITHEN, ET AL

DECREE PROVIDING FOR THE REAPPORTIONMENT OF POLICE JURORS AND SCHOOL BOARD MEMBERS IN EAST CARROLL PARISH, LOUISIANA, ETC.

By the order of this Court, dated August 12, 1968, the East Carroll Police Jury was required to submit to this Court a constitutionally satisfactory plan for the reapportionment of the Police Jury and School Board of East Carroll Parish in accordance with the "one-man, One-vote" rule announced in Avery vs. Midland County, Texas, (Sup. Ct., April, 1968) 88 S.Ct. 1114, and other related cases. The East Carroll Parish Police Jury has submitted a plan, concurred in by the East Carroll Parish School Board and the plaintiff herein.

IT IS THEREFORE ORDERED, that East Carroll Parish, Louisiana, be subdivided into seven wards, each of which shall conform to the same geographical boundaries and areas as the existing wards; each newly created ward shall be numbered as the existing ward which it replaces; that one (1) Police Juror and one (1) School Board member shall be elected from each of the newly created wards numbered 1, 2, 4, 5, 6, and 7, and three (3) Police Jurors and three (3) School Board members from the newly created Ward Three (3), all Police Jurors and School Board members to be elected at large throughout East Carroll Parish, Louisiana; and that the newly created Police Jury offices and School Board offices be filled as the terms of the present office holders expire, according to and in the manner prescribed by the Louisiana election laws applicable thereto.

IT IS FURTHER ORDERED, that a call for an election for nominees to the School Board from Wards 1, 3 (one member only), 5, and 6 of East Carroll Parish, Louisiana, and for an election for a nominee from Ward 7 to the Police Jury of East Carroll Parish, Louisiana, be issued as soon as practicable and in accordance with the Louisiana election laws applicable thereto, and that a general election ensue, all in accordance with this order and, insofar as practicable, the general election laws of Louisiana.

IT IS FURTHER ORDERED, that all or any part, of any order previously issued herein which is in conflict herewith is hereby revoked and rescinded.

IT IS FURTHER ORDERED, that it is not the purpose or intent of this Court in this order to restrict the right of the East Carroll Parish School Board to reapportion itself in accordance with Louisiana R.S. 17:71.1, et seq.

IT IS FURTHER ORDERED, that all costs herein be taxed against the East Carroll Parish Police Jury.

Signed at Shreveport, Louisiana, this 2nd day of December, 1968.

Approved as to form:

William B. Ragland, Jr.,
Attorney for Defendants.

Mason P. Gilfoil,
Attorney for Plaintiff.

Ben C. Dawkins, Jr., Chief Judge,
United States District Court for
the Western District of Louisiana.

13 orig. memoranda attached Cert. Copies of Decree.
Mailed 12/3/68
DLC

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

CHARLES F. ZIMMER

VERSUS CIVIL ACTION NO. 13927

JOHN J. McKEITHEN, ET AL

APPLICATION TO TAX COSTS

Plaintiff, Charles F. Zimmer, pursuant to Rule 54-D of the Federal Rules of Civil Procedure and pursuant to the decree of this Court signed on the 2nd day of December, 1968, moves that the Clerk of this Court do tax as costs against the defendant East Carroll Parish Police Jury those costs set out in the attached memorandum of costs.

McINTOSH, HESTER & GILFOIL,
P. O. Drawer 71,
Lake Providence, Louisiana,
Attorneys for Plaintiff,

BY: Mason P. Gilfoil

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

CHARLES F. ZIMMER

VERSUS CIVIL ACTION NO. 13927

JOHN J. McKEITHEN, ET AL

MEMORANDUM OF COSTS

I, Mason P. Gilfoil, attorney for the plaintiff in the above described and entitled action, do hereby certify that the items of cost set out below are correct and that these costs have been necessarily incurred:

Advance Filing Fee in U. S. District Court Statement dated July 12, 1968 - - - - - - - -	$15.00
Services of United States Marshall Statement dated July 16, 1968 - - - - - - -	$63.52
Services of United States Marshall Statement dated August 13, 1968 - - - - - -	$61.60
Services of United States Marshall Statement dated December 4, 1968 - - - - -	$79.54
Total -	$ 219.66

McINTOSH, HESTER & GILFOIL,
P. O. Drawer 71,
Lake Providence, Louisiana,
Attorneys for Plaintiff.

BY: Mason P. Gilfoil
Mason P. Gilfoil

The Banner-Democrat
LAKE PROVIDENCE, LA
71254

LAKE PROVIDENCE NOV 22 1968 71254

Mr. Alton R Curtis,, Clerk
Box 106
Shreveport, La.

71102

MEMBERS

WATSON SANDERS, Ward 1
J. C. DONOVAN, Ward 2
L. L. MINSKY, Ward 3
ERNIE L. WILSON, Ward 3
OTIS VIRGIL, Ward 3
EARL OSWALT, Ward 4
J. E. BROWN, Ward 5
L. B. SULLIVAN, Ward 6
JERRY WALLEY, Ward 7

POLICE JURY
OF
EAST CARROLL PARISH
LAKE PROVIDENCE, LA. 71254

PRESIDENT
J. E. Brown

SECRETARY-TREASURER
Miss Ida May Cobb

ASSISTANT SECRETARY
Mrs. Vivian A. Rodge

CHAIRMAN, FINANCE COMMITTEE
Earl Oswalt

PRESIDENT, BOARD OF GOVERNORS OF PRISON FARM
L. B. Sullivan

SUPERINTENDENT, PRISON FARM
Ray Fortenberry

ROAD and DRAINAGE FOREMAN
Walter J. Bishop

November 25, 1968

CIV 13927

Honorable Ben C. Dawkins, Judge
United States District Court for the Western District of Louisiana,
Shreveport, Louisiana

Dear Judge Dawkins:

In re: East Carroll Parish Reapportionment Plan

In accordance with the order of Court, a resolution was adopted by East Carroll Parish Police Jury on November 18, 1968, setting forth a plan of reapportionment for East Carroll Parish, Louisiana, which the Police Jury asks you to incorporate in your forthcoming judgment on this matter.

I ask you to pay particular attention to the request of the jury that all present office holders be permitted to serve out their present terms before their successors are elected under the new plan. This request was unanimous and expresses the wishes of our people in general. Please, therefore, incorporate Paragraph 4 of the Resolution in your final judgment so as to implement the wishes of the Police Jury in that regard.

If we are to perform any further work in connection with this matter, please so inform us.

With best wishes, we remain

Very truly yours,

East Carroll Parish Police Jury

By J. E. Brown
J. E. Brown, President

U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED
DEC 27 1968
ALTON L. CURTIS, CLERK
By Deputy

JEB:C
Encl: 1

CIV 13927

RESOLUTION

BE IT RESOLVED in special session at Lake Providence, Louisiana, on November 18, 1968, in accordance with the order of the United States District Court for the Western District of Louisiana, dated August 12, 1968, supplemented by order dated September 12, 1968, that East Carroll Parish Police Jury be reapportioned according to the following plan:

1. East Carroll Parish, Louisiana, be subdivided into seven (7) wards, each of which shall contain the same geographical boundaries and areas as the existing ward which it replaces;

2. Each newly created ward be numbered and bear the same number as the existing ward which it replaces;

3. One police juror be elected from each of the newly created wards numbered 1, 2, 4, 5, 6 and 7, and three jurors from newly created Ward 3, all to be elected at large throughout East Carroll Parish, Louisiana;

4. The newly created Police Jury offices be filled as the terms of the present office holders expire according to and in the manner prescribed by the Louisiana Election Laws applicable thereto.

U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED
DEC 27 1968
ALTON L. CURTIS, CLERK
By Deputy

CERTIFICATE

STATE OF LOUISIANA
PARISH OF EAST CARROLL

I, Ida May Cobb, Secretary-Treasurer of the East Carroll Parish Police Jury, do hereby certify that the above and foregoing is a full, true and correct copy of a resolution adopted by the East Carroll Parish Police Jury, in special session convened, on November 18, 1968.

THIS DONE AND SIGNED at Lake Providence, Louisiana, on this November 19, 1968.

Ida May Cobb
(Miss) Ida May Cobb, Secretary-Treasurer,
East Carroll Parish Police Jury

AUG 7 1970

CIV 13927

Mr. John E. Brown
President, East Carroll Parish
Police Jury
Lake Providence, Louisiana

Dear Mr. Brown:

It has come to my attention that primary elections are planned in East Carroll Parish on August 11 and that members of the school board will be elected by at-large voting. I understand that this change was adopted after a reapportionment suit, [illegible]. (W.D. La. No. 13,477), was filed relative the parish and that the new election procedures were based on a resolution adopted by the East Carroll Parish Police Jury in Special Session on November 13, 1968, and upon the District Court's Order of December 2, 1968. The Ordinance was passed pursuant to Act 615 of the 1968 Regular Session of the Louisiana Legislature (Title 33, Section 1224 of the Louisiana Revised Statutes).

It appears that at the time the East Carroll reapportionment case was decided the enabling legislation, Act 443, had not been submitted to the Attorney General as is required by Section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c). Subsequently, when this Act, as well as Act 581, was

cc: Hon. Ben C. Dawkins ✓

submitted to the Attorney General he interposed objections to their implementation. Under Section 5, laws changing voting procedures are inoperable until they are either submitted to the Attorney General or a declaratory judgment concerning their purpose and effect is obtained from the District of Columbia Court. Also, where the new procedures are submitted to the Attorney General and he interposes an objection to the law, the statute cannot be implemented.

As a consequence of the Attorney General's objections and the operation of provisions of Section 5 of the Voting Rights Act, it appears that the East Carroll Police Jury did not have the power to make the changes which were incorporated in its ordinance. In view of this, I believe that East Carroll Parish cannot now conduct at-large elections for school board or police jury members without violating federal law. You may wish to note that in a similar case where local officials acted pursuant to a state enabling statute which was objected to by the Attorney General, the District Court for the Middle District of Mississippi ruled that the County Board of Supervisors had no power to act as they did. Dyer v. Love, 307 F. Supp. 974 (1969).

Please advise me of the action the East Carroll Parish Police Jury plans to take in order to remedy the problems I have discussed. I, personally, and my staff are available to give you any assistance that may be needed in this matter. Please feel free to call upon us.

Sincerely,

JERRIS LEONARD
Assistant Attorney General
Civil Rights Division

cc: Hon. Ben C. Dawkins, Jr.
Mr. Troy B. Dukes
Mr. Captan Jack Wyly

BEST COPY AVAILABLE

OFFICE OF

THE DISTRICT ATTORNEY

SIXTH JUDICIAL DISTRICT

EAST CARROLL · MADISON AND TENSAS PARISHES

THOMPSON L. CLARKE
DISTRICT ATTORNEY
ST. JOSEPH, LOUISIANA
OFFICE PHONE 9336

WILLIAM B. RAGLAND, JR.
ASSISTANT DISTRICT ATTORNEY
LAKE PROVIDENCE, LOUISIANA
OFFICE PHONE 822

March 11, 1971

C W 3427

U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED
MAR 12 1971
ALTON L. CURTIS, CLERK
By _____ Deputy

Honorable Judge Ben C. Dawkins, Jr.
United States District Court
Federal Building
Shreveport, Louisiana

Dear Judge Dawkins:

In accordance with your letter of February 17, requesting East Carroll Parish School Board and East Carroll Parish Police Jury to submit their plans of reapportionment by March 17, 1971, I am pleased to enclose to you herewith a certified copy of the resolutions adopted by each governing authority which, you will observe, adopt the same plan of reapportionment under which these bodies have been acting since December 2, 1968, when you rendered a reapportionment order affecting these two governmental units. The legal basis of these plans is your order of December 2, 1968 and the approval of these plans by a substantial majority of the members of both governing authorities.

Copies of these resolutions have been mailed to plaintiff's counsel who, we understand, will have 15 days within which to file oppositions thereto.

With best wishes, I am

Yours very truly,

William B. Ragland, Jr.
Assistant District Attorney

WBRjr/hh
Enclosure

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED
MAR 12 1971
ALTON L. CURTIS, CLERK
By _____ Deputy

RESOLUTION

Pursuant to the request of Honorable Ben C. Dawkins, Jr., Chief Judge, United States District Court, Western District of Louisiana, in his letter of February 17, 1971, requesting a plan of reapportionment from East Carroll Parish, Louisiana, in light of the 1970 official census, the East Carroll Parish Police Jury upon a motion by Mr. Donovan, seconded by Mr. Minsky, and carried, hereby proposes the following plan for the East Carroll Parish Police Jury:

1. One Police Jury member be elected from Wards numbered 1, 2, 4, 5, 6 and 7, and three Police Jury members from Ward 3, all to be elected at large throughout East Carroll Parish, Louisiana; and,
2. The Police Jury offices be filled as the terms of the present office holders expire according to and in the manner prescribed by the Louisiana Election Laws applicable thereto.

AYES:	NAYS:	ABSTAINING:
J. C. Donovan	Watson Sanders	Ernie Wilson
L. L. Minsky		
Otis Virgil, Sr.		
Earl Oswalt		
Jerry Walley		
L. B. Sullivan		

U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED
MAR 2 2 1971
ALTON L. CURTIS, CLERK
By _____
Deputy

RESOLUTION

Pursuant to the request of Honorable Ben C. Dawkins, Jr., Chief Judge, United States District Court, Western District of Louisiana, in his letter of February 17, 1971, requesting a plan of reapportionment from East Carroll Parish, Louisiana, in light of the 1970 official census, the East Carroll Parish School Board upon a motion by Mr. Clement, seconded by Mr. Noland, and carried, hereby proposes the following plan for the East Carroll Parish School Board:

1) One School Board member be elected from Wards numbered 1, 2, 4, 5, 6 and 7, and three School Board members from Ward 3, all to be elected at large throughout East Carroll Parish, Louisiana; and,

2) The School Board offices be filled as the terms of the present office holders expire according to and in the manner prescribed by the Louisiana Election Laws applicable thereto.

AYES:	NAYS:
JACK BROWN	JOSEPH ATLAS
LLOYD CLEMENT	
HUGO MORARA	
LUCIAN NOLAND	
BUFORD PERRY	
THOMAS E. RAGLAND	
E. H. WHITE	

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

CHARLES F. ZIMMER,
Plaintiff,
v.
JOHN J. McKEITHER, et al.,
Defendants.

CIVIL ACTION
NO. 13927

MOTION FOR LEAVE TO INTERVENE

Pursuant to Rule 24 of the Federal Rules of Civil Procedure, Stewart Marshall who is a black registered voter of East Carroll Parish moves the Court to intervene as a plaintiff herein on the grounds that the present plaintiff herein does not fairly and adequately protect the interests of the class of registered voters of East Carroll and more particularly does not adequately represent the black registered voters of that parish, and moves for an order permitting the filing of the attached complaint in intervention.

Respectfully submitted,

STANLEY A. HALPIN, JR.
GEORGE M. STRICKLER, JR.
DEBRA A. MILLENSON
606 Common Street - Suite 405
New Orleans, Louisiana 70130
523-1797

By: Stanley A. Halpin Jr.

Dated: May 6, 1971

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED
MAY 11 1971
ALTON L. CURTIS, CLERK
By _____ Deputy

CHARLES F. ZIMMER,
Plaintiff,
v.
JOHN J. McKEITHEN, et al.,
Defendants.

CIVIL ACTION
NO. 13927

O R D E R

This cause coming on to be heard on the motion of Stewart Marshall for leave to intervene as a party plaintiff, and the Court having considered said motion and the complaint tendered therewith, and it appearing to the Court that said mover should be permitted to intervene as prayed and the Court being duly advised of the premises,

IT IS ORDERED, that Stewart Marshall has leave to intervene in this cause, and is hereby made a party to this cause, and to that end may file instanter a complaint in this cause in the same manner and with like effect as if named an original party to this cause.

THUS DONE and SIGNED in Shreveport, Louisiana, this 10th day of May, 1971.

Ben C. Dawkins
UNITED STATES DISTRICT JUDGE

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED
MAY 11 1971
ALTON L. CURTIS, CLERK
By _____ Deputy

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

CHARLES F. ZIMMER,
Plaintiff,
v.
JOHN J. McKEITHEN, et al.,
Defendants.

CIVIL ACTION
NO. 13927

COMPLAINT IN INTERVENTION

I. JURISDICTION

1. This action is brought pursuant to 42 U.S.C. 1983. Plaintiff-intervenor seeks a declaratory judgment, pursuant to 28 U.S.C. 2201, that the present "at-large" scheme of apportionment of the East Carroll Parish Police Jury and the East Carroll School Board is violative of his rights and the rights of all others similarly situated under the Fourteenth Amendment of the United States Constitution, and is violative of state law as modified by action of the Attorney General of the United States under Section 5 of the Voting Rights Act, 42 U.S.C. 1971, et seq. and an order requiring new elections for the two bodies to be held on the basis of lawfully apportioned districts. Jurisdiction is conferred on this Court by 28 U.S.C. 1343(3).

II. PARTIES

2. Plaintiff-intervenor Stewart Marshall is a black citizen of the United States and resident of East Carroll Parish Louisiana. Plaintiff-intervenor is registered to vote.

3. Plaintiff-intervenor sues individually and as representative of the class of voters residing in East Carroll Parish and of the sub-class of black voters residing in that parish pursuant to Rule 23 of the federal Rules of Civil Procedure. The class and sub-class are so numerous that all its members cannot be joined herein. There are common questions of law and fact applicable to the classes; the claims of plaintiff-intervenor are typical of the claims of the classes; and the named plaintiff-intervenor will fairly and adequately protect the members of the classes. The defendants have acted (or failed to act) on grounds generally applicable to the classes, making appropriate final injunctive relief and corresponding declaratory relief with respect to the classes as a whole.

4. This action is brought against the following named defendants in their official capacities as officers of the State:

(a) The defendant, John J. McKeithen, is the duly elected Governor of the State of Louisiana.

(b) The defendant, Jack P. F. Gremillion, is the duly elected Attorney General of the State of Louisiana.

(c) The defendant, Wade O. Martin, Jr., is the duly elected Secretary of State of the State of Louisiana.

(d) The defendant, Douglas Fowler, is the duly elected State Custodian of Voting Machines of the State of Louisiana.

5. This action is also brought against the following named defendants in their individual and official capacities:

(a) Defendant, Captain Jack Wyly is the duly elected Chairman of the Democratic Executive Committee for the Parish of East Carroll, State of Louisiana.

(b) Defendant, Dorothy Morgel is the duly elected Secretary of the said Democratic Executive Committee for the Parish of East Carroll, State of Louisiana.

(c) Defendant, George F. Fox is the duly appointed President of the Board of Supervisors of Elections of the Parish of East Carroll, State of Louisiana.

(d) Defendant, Mrs. Naomi Rosezweig is a duly appointed Member of the Board of Supervisors of Elections of the Parish of East Carroll, State of Louisiana.

(e) Defendant, Cecil E. Manning is the duly appointed Registrar of Voters and member of the Board of Supervisors of Elections of the Parish of East Carroll, State of Louisiana.

6. This action is also brought against the following named defendants in their individual and official capacities as representatives of the East Carroll Police Jury and School Board.

(a) Defendant, John E. Brown is the duly elected President of the Police Jury for East Carroll Parish, Louisiana.

(b) Defendant, Miss Ida Mae Cobb is the duly appointed Secretary of the Police Jury of East Carroll Parish, Louisiana.

(c) Defendant, John R. Howard is the duly elected President of the School Board for East Carroll Parish, Louisiana.

(d) Defendant, Buren A. Bayles is the duly appointed Secretary of the School Board for East Carroll Parish, Louisiana.

III. STATEMENT

7. Upon order of this Court dated August 12, 1968, the East Carroll Parish Police Jury submitted a plan reapportioning itself and the School Board by dividing the parish into seven (7) wards, one member of each body to reside in each of six wards and three members of each body to reside in the remaining Ward 3. Elections for these positions, however, were to be at-large or parish-wide. This apportionment plan was approved by this Court by decree of December 2, 1968.

8. Louisiana Acts of 1968 No. 445 § 1 amending L.S.A. - R.S 33:1221, and Act of 1968 No. 561 § 1 adding L.S.A. - R.S. 17:71.1-71.6 amended Louisiana law to allow at-large elections for police juries and school boards. On April 29, 1969, Nos. 445 and 561 of the Acts of 1968 were submitted to the Attorney General of the United States pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. § 1973c. On June 26, 1969 both acts were rejected as having "the effect of discriminating against Negro voters on account of their race, and of denying to them an effective voice in the selection of Police Jury and School Board members." This rejection was reaffirmed by the Attorney General on September 10, 1969.

The nine member apportionment scheme of the East Carroll Parish Police Jury and the eight member scheme of the School Board in effect prior this action was declared invalid by order of this Court on August 12, 1968 as in violation of the equal protection clause of the Fourteenth Amendment of the United States Constitution.

IV. VIOLATIONS OF LAW

9. The present apportionment of the East Carroll Parish Police Jury and School Board dilutes the relative strength of the class of black voters in East Carroll Parish in violation of the rights of plaintiff-intervenor and others similarly situated guaranteed by the Fourteenth and Fifteenth Amendment to the United States Constitution.

10. The present apportionment plan is violative of the rights of plaintiff-intervenor and others similarly situated secured by the Voting Rights Act of 1965, 42 U.S.C. 1971, et seq.

11. The present apportionment plan is contrary to the law of Louisiana in that Louisiana law (L.S.A. - R.S. 33:1221, et seq.) does not permit police juries and school boards to be elected at-large in the absence of the voided Acts Nos. 445 and 561 of 1968. The Court has pendent jurisdiction over this

cause of action.

V. EQUITY

12. There is a real and actual controversy between the parties. Plaintiff-intervenor has no adequate remedy at law. Plaintiff-intervenor is suffering irreparable injury as a result of the apportionment challenged herein, and that apportionment will continue unless enjoined by this Court.

VI. COLOR OF LAW

13. The apportionment scheme described above is maintained by the individual defendants under color of law of the State of Louisiana and under color of the defendants' respective offices as officers and agents of the State.

VII. PRAYER

14. WHEREFORE, plaintiff-intervenor respectfully prays:

(a) that this Court issue a preliminary and permanent injunction enjoining defendants from holding further elections under the present apportionment or districting plan for the East Carroll Parish Police Jury and School Board;

(b) that upon final hearing this Court issue a declaratory judgment that the action of defendants in maintaining the present apportionment of East Carroll Parish is violative of the rights of plaintiff-intervenor and the classes he represents secured by the Fourteenth and Fifteenth Amendments of the United States Constitution;

(c) that this Court order the reapportionment of the East Carroll Parish Police Jury and the School Board in a manner that conforms with the requirements of the equal protection clause of the Fourteenth Amendment as well as the

requirements of the Fifteenth Amendment, the Voting Rights Act of 1965 and Louisiana law.

(d) that this Court order new elections within ninety days of its order for each seat on the East Carroll Police Jury and School Board under the ordered reapportionment plan; and

(e) that this Court issue such further relief as may be just and proper.

Respectfully submitted,

STANLEY A. HALPIN, JR.
GEORGE M. STRICKLER, JR.
DEBRA A. MILLENSON
606 Common Street - Suite 405
New Orleans, Louisiana 70130
523-1797

By: Attorneys for Plaintiff-Intervenor

Dated: May 7, 1971

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

FILED
JUL 1 - 1971
CLERK

CHARLES F. ZIMMER, Plaintiff,
STEWART MARSHALL, Plaintiff-Intervenor,
v.
JOHN J. McKEITHEN, et al., Defendants.

CIVIL ACTION
NO. 13,927

PLAINTIFF-INTERVENOR'S PLANS FOR APPORTIONMENT OF THE EAST CARROLL PARISH POLICE JURY AND SCHOOL BOARD

Plaintiff-Intervenors submits the following two plans, both of which fall well within constitutional limits, for reapportionment of the East Carroll Parish Police Jury and School Board. Both plans are based upon Census Bureau enumeration districts and Census Bureau data. The two plans are labeled "Plaintiff-Intervenor's Plan Number One" and "Plaintiff-Intervenor's Alternate Plan."

PLAINTIFF-INTERVENOR'S PLAN NUMBER ONE

Plaintiff-Intervenor's Plan Number One is a combination of Census Bureau enumeration districts into four (4) electoral districts with a total of 7 members. Two of the new electoral districts will be single-member districts, one will be a two-member district, and one will be a three member district. It has a maximum deviation of +4.3% and a maximum deviation range of 8.2%. The Plan does not dilute the vote

of black residents of East Carroll Parish. From the one-man vote point of view this Plan is slightly superior to the alternate plan in that the top to bottom deviation is slightly lower and the election districts are slightly more compact. Number One is as follows:

ELECTORAL DISTRICT	ENUMERATION DISTRICT	TOTAL POPULATION	NUMBER OF REPRESENTATIVES	DEVIATION	% BLACK
I	1, 2, 3(PART) 9	1824	1	-1.0%	44.3%
II	11, 12, 13, 14, 15	3817	2	+3.7%	45.9%
III	8, 7	1938	1	+4.3%	59.8%
IV	4, 5, 6, 10, 3(PART)	5305	3	-3.9%	72.8%

IDEAL POPULATION FOR SINGLE MEMBER ELECTORAL DISTRICT	1841
MAXIMUM DEVIATION	+4.3%
TOTAL DEVIATION (Top to Bottom)	8.2%
AVERAGE DEVIATION	3.48%

PLAINTIFF-INTERVENOR'S ALTERNATE PLAN

Plaintiff-Intervenor's Alternate Plan is a combination of Census Bureau enumeration districts into three(3) single-member electoral districts, one two-member electoral district, and one three-member electoral district with a total of eight members. It has a maximum deviation of +4.2% which is 0.1% lower than Plan One, an average deviation of 3.07% which is 0.41% lower than Plan One, and a maximum deviation range of

8.3% which is 0.1% higher than Plan One, but is well within constitutional limits. Plaintiff-Intervenor's Alternate Plan also does not dilute the vote of black residents of East Carroll Parish. The details of the Alternate Plan are as follows:

ELECTORAL DISTRICT	ENUMERATION DISTRICT	TOTAL POPULATION	NUMBER OF REPRESENTATIVES	DEVIATION	% BLACK
I	14, 15	1647	1	+2.2%	53%
II	11, 12	1656	1	+2.5%	35%
III	1, 2, 9	1678	1	+4.2%	48%
IV	3(PART), 4, 7, 8	3275	2	+1.7%	55%
V	3(PART), 5, 6, 10, 13	4628	3	-4.1%	76%

IDEAL POPULATION FOR SINGLE MEMBER ELECTORAL DISTRICT	1611
MAXIMUM DEVIATION	+4.2%
TOTAL DEVIATION (Top to Bottom)	8.3%
AVERAGE DEVIATION	3.07

Respectfully submitted,

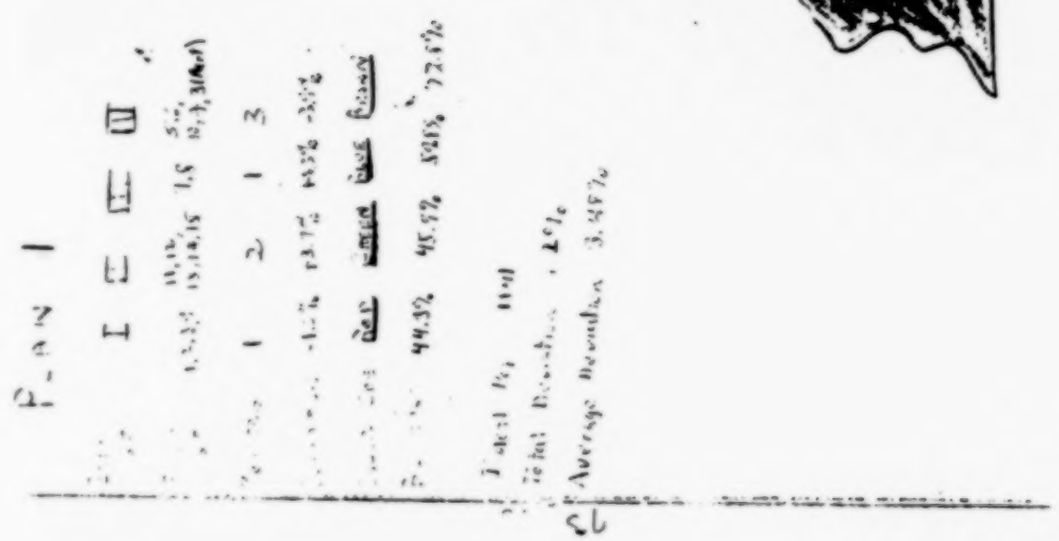
STANLEY A. HALPIN, JR.
GEORGE M. STRICKLER, JR.
DEBRA A. MILLENSON
606 Common Street - Suite 405
New Orleans, Louisiana 70130
523-1797

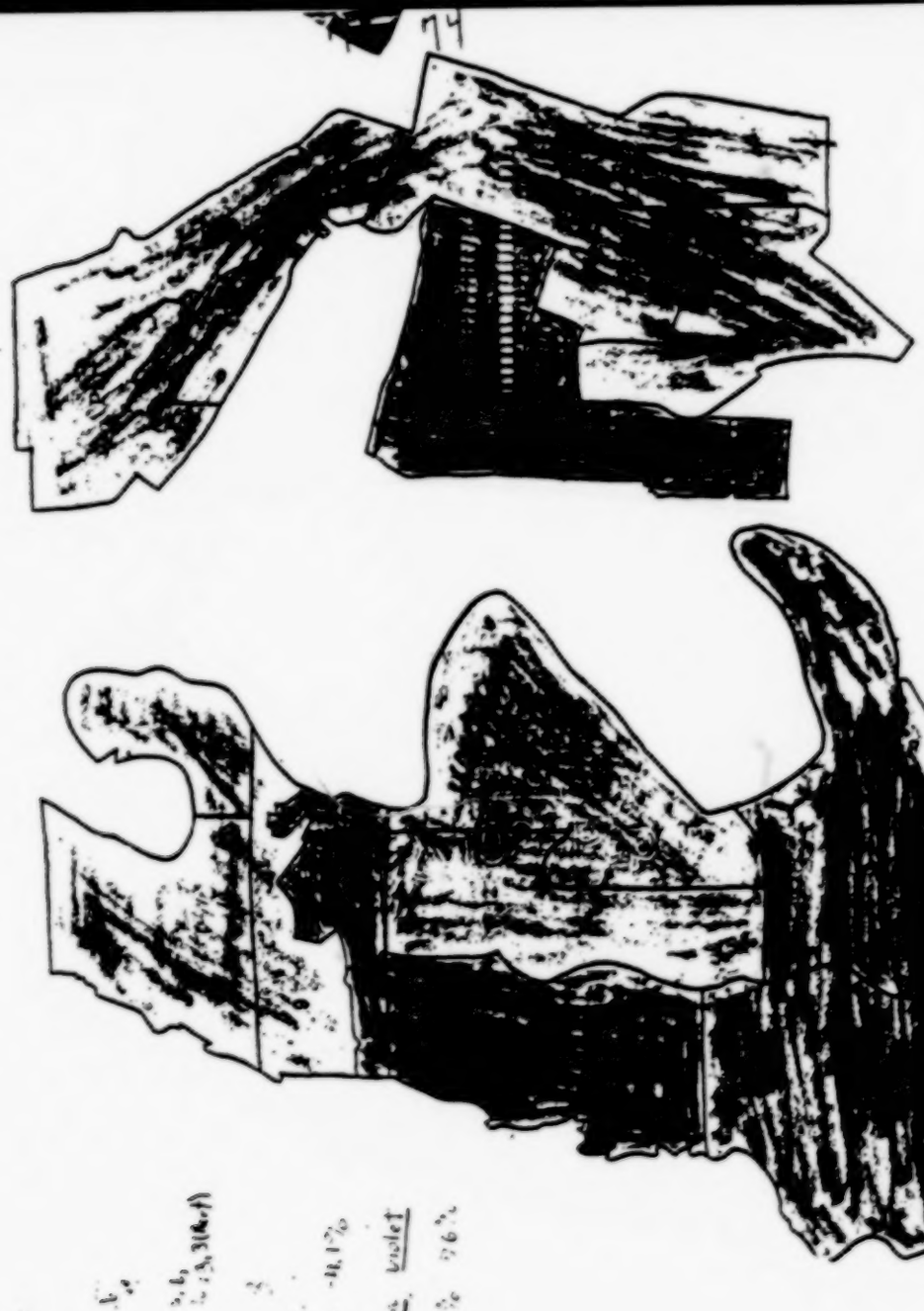
By: _____

Dated: June 29, 1971

Lake Providence, East Carroll Parish

East Carroll Parish, Louisiana





Lake Providence, East Carrol Parish, Louisiana

East Carroll Parish, Louisiana

Department of Justice
Washington
20530

13 JUL 1971

Mr. Louis R. Sleeth
District Attorney
28th Judicial District
Jena, Louisiana 71342

Dear Mr. Sleeth:

It is our understanding that in order to comply with the one person, one vote principle annunciated in Avery v. Midland, 390 U.S. 474 (1968), and pursuant to Louisiana Revised Statutes 33:1411, officials in virtually all parishes in Louisiana have reapportioned their parish's wards and election districts or will complete the process shortly.

Section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c) provides for review by the Attorney General of the United States or the United States District Court for the District of Columbia when changes in voting procedure are enacted or are implemented by the states covered under Section 5 and their political subdivisions. Under the Supreme Court's recent reaffirmation of its broad interpretation of Section 5, a reapportionment of parishes within your district would be covered by that statute. Perkins v. Matthews, 400 U.S. 379 (1971).

If there has been an alteration of parish ward or election district boundaries, or in the weight of jurors' or board members' votes, it is necessary for the affected Police Jury or School Board to submit the changes to the Attorney General or the court as soon as possible. Unless and until the United States District

Court for the District of Columbia enters a declaratory judgment, or a change is submitted to the Attorney General and no objection has been interposed by him within 60 days after submission, Section 5 of the Voting Rights Act prohibits the implementation of the changes.

Our records disclose that not all of the parishes within your judicial district have submitted reapportionment plans for their school boards and police juries to the Attorney General or initiated an action for declaratory judgment. Accordingly, I would appreciate your letting this Department know within ten days if a reapportionment plan has been adopted within your district or whether such action is anticipated. In this connection, we would appreciate receiving a copy of any order adopted pursuant to Louisiana Statutes 33:1411. If a reapportionment plan has been adopted and the governing authority will choose to submit the plan to the Attorney General rather than instituting a lawsuit for declaratory judgment, please also inform us of when we may expect such submission. Gerald W. Jones, Chief of the Voting and Public Accommodations Section for the Civil Rights Division, will be available to discuss this matter with you if you have any questions. He can be reached by calling (202) 739-2167.

Sincerely,

David L. Norman

DAVID L. NORMAN
Acting Assistant Attorney General
Civil Rights Division

OFFICE OF
THE DISTRICT ATTORNEY
SIXTH JUDICIAL DISTRICT
EAST CARROLL · MADISON AND TENSAS PARISHES

THOMPSON L. CLARKE
DISTRICT ATTORNEY
ST. JOSEPH, LOUISIANA
OFFICE PHONE 3338

WILLIAM B. RAGLAND JR.
ASSISTANT DISTRICT ATTORNEY
LAKE PROVIDENCE, LOUISIANA
OFFICE PHONE 833

July 14, 1971

U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED
JUL 16 1971
ALTON L. CURTIS, CLERK
By: D.

Mr. Alton L. Curtis, Clerk
United States District Court
Western District of Louisiana
Federal Post Office Building
Shreveport, Louisiana

Re: Charles F. Zimmer versus John J. McKeithen et als, Civil Action No. 13,927

Dear Mr. Curtis:

The Jury's alternate plan of reapportionment which Judge Dawkins ordered to be filed within 15 days after the filing of intervenors' plan, is enclosed herewith for filing in the captioned suit and presenting to the Court's attention.

Under separate cover, I have transmitted a copy of this filing to Mr. Halpin, Attorney of record for intervenors.

With best wishes, I am

Yours very truly,

William B. Ragland, Jr.

William B. Ragland, Jr.
Assistant District Attorney

WBRjr/hh
Enc.

U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED
JUL 16 1971
ALTON J. CURTIS, CLERK
By
Dy.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

*** * ***

CHARLES F. ZIMMER, Plaintiff

VERSUS CIVIL ACTION NO. 13927

JOHN J. McKEITHEN, ET AL., Defendants

*** * ***

MAY IT PLEASE THE COURT:

Although East Carroll Parish Police Jury considers its first plan of reapportionment by far the most constitutionally acceptable plan and again reurges its acceptance and adoption by this Court, nevertheless, as an alternate plan, and only in the event the Court should find its first plan to be unconstitutional, East Carroll Parish Police Jury then recommends the adoption of the following alternate plan of reapportionment, to-wit:

A. ALTERNATE PLAN OF REAPPORTIONMENT OF EAST CARROLL PARISH POLICE JURY

East Carroll Parish should be divided into two voting districts, to be numbered Districts 1 and 2, the geographical area of District No. 1 to coincide with the old municipal limits of the Town of Lake Providence (Enumeration Districts Nos. 3 through 8, inclusive), with four jurors to be qualified and elected at large therefrom, and District No. 2 to consist of the geographical area lying without District No. 1 with four jurors to be elected at large from this district. This plan would have a maximum deviation of 4.0 percent from the ideal figure and a maximum deviation range of

8.0 percent. This plan does not dilute the vote of the black residents of East Carroll Parish as black residents would enjoy a substantial majority in District No. 1 and a moderate majority in District No. 2. The plan would recognize the division of interest of the urban and rural areas as well as the advantage of avoiding any overlapping of urban districts with rural areas and vice versa.

This plan is mathematically superior to the primary and alternate plan submitted by intervenor as the maximum deviation and the total deviation is less. East Carroll Parish Police Jury's plan has an average deviation of 4.0 percent, only .52 percent greater than intervenor and only .93 percent greater than intervenor's alternate plan, both insignificant differences.

The black population in East Carroll Parish under the old ward system was distributed so that blacks enjoyed a majority position in Wards 1, 3, 4, 5 and 6, while white residents enjoyed majority populations in Wards 2 and 7. Taking the enumeration districts as they were drawn, it is impossible to produce a system of voting districts in East Carroll Parish, Louisiana, which would not substantially dilute the black vote, and actually place the blacks in a minority in Wards 1, 4, 5 and 6. Plaintiff's plan of at large voting is not only constitutional, but involves significantly less dilution than does either of intervenor's plans, and actually places each black resident in a black voting majority of almost three to two. These conclusions are graphically demonstrated by the following tables:

BEST COPY AVAILABLE

TABLE A

TOTAL POPULATION, TOTAL WHITES AND TOTAL BLACKS, 1970 CENSUS

ED. NO.	WARD	TOTAL POPULATION	W	N
0001	Ward 4	197	55	142
0002	Ward 5	642	216	426
0003	W-3 (Town)	146	141	5
0004	W-3 (Town)	1191	538	653
0005	W-3 (Town)	1265	336	929
0006	W-3 (Town)	1643	254	1389
0007	W-3 (Town)	867	375	492
0008	W-3 (Town)	1071	418	653
0009	W-3 (Rural)	839	604	235
0010	W-3 (Rural)	1206	314	892
0011	W-2	817	703	114
0012	W-2	839	368	471
0013	W-6	514	222	292
0014	W-7	772	466	306
0015	W-1	875	306	569
		12,884	5,306	7,568

TABLE B

TOTAL POPULATION, WHITE POPULATION AND BLACK POPULATION OF OLD WARDS, 1970 CENSUS

	TOTAL POPULATION	WHITE	NEGRO	% WHITE	% NEGRO
WARD 1	875	306	569	35.0%	65.0%
WARD 2	1656	1071	585	64.7%	35.3%
WARD 3	8228	2980	5248	36.2%	63.8%
WARD 4	197	55	142	27.9%	72.1%
WARD 5	642	216	426	33.6%	66.4%
WARD 6	514	222	292	43.2%	56.8%
WARD 7	772	466	306	61.4%	39.6%
TOTALS	12,884	5,316	7,568		

TABLE C

COMPARISON OF PERCENTAGE CHANGE IN BLACK POPULATION UNDER PARISH AND INTERVENOR'S PLANS

	PERCENTAGE OF NEGROES	PARISH PLAN PERCENTAGE OF NEGROES	INTERVENOR'S PLAN I PERCENTAGE OF NEGROES	INTERVENOR'S PLAN II PERCENTAGE OF NEGROES
WARD 1	65.0%	58.7	45.9%	53%
WARD 2	35.3%	58.7	45.9%	35%
WARD 3	63.8%	58.7	72.87%	76%
WARD 4	72.1%	58.7	44.3%	48%
WARD 5	66.4%	58.7	44.3%	48%
WARD 6	56.8%	58.7	45.9%	76%
WARD 7	39.6%	58.7	45.9%	53%

TABLE D

PERCENTAGE CHANGE OF BLACK POPULATION BY WARD UNDER PARISH AND INTERVENOR'S PLANS

WARD	PARISH PLAN	INTERVENOR'S PLAN I	INTERVENOR'S PLAN II
1 (Majority black)	-6.3	-19.1	-12.0
2 (Majority white)	+23.4	+10.6	-.3%
3 (Majority black)	-5.1	+9.0	+12.2
4 (Majority black)	-13.4	-27.8	-24.1
5 (Majority black)	-7.7	-22.1	-18.4
6 (Majority black)	+1.9	-10.9	+19.2
7 (Majority white)	+19.1	+6.3	+13.4

In summary, the at large voting plan sponsored by East Carroll Parish Police Jury has actually been in practice for about two and one-half years and the voting precincts have been set up to accommodate this plan. The same can be said of the voting

rolls as these, too, have been organized to accommodate the present at large voting method. The at large voting proposal eliminates any deviation between districts and actually accommodates the majority black population better than any plan presented to this Court. The plan guarantees no person, black or white, of election but places black candidates in a position to win public office if they are qualified and meet the requirements demanded of them by their constituency. Furthermore, under an at large voting plan, the necessity of voting district changes caused by population migration every ten years is virtually eliminated. Under any district scheme of voting, change in voting districts every ten years hereafter would almost be virtually assured. The only legal argument which can be raised against the at large voting procedure is that it dilutes the black vote, the evidence presented by East Carroll Parish Police Jury demonstrates mathematically that the Jury's plan preserves the integrity of the black population much better than does either of the two plans offered by intervenors. In the alternative, and only in the event the Court should reject the Jury's first plan of reapportionment, the Jury urges the adoption of its alternate plan on the grounds mentioned hereinabove.

Respectfully submitted,

EAST CARROLL PARISH POLICE JURY

By: J. E. "DOC" BROWN, President

William B. Ragland, Jr.
Assistant District Attorney

OFFICE OF
THE DISTRICT ATTORNEY
SIXTH JUDICIAL DISTRICT
EAST CARROLL · MADISON AND TENSAS PARISHES

THOMPSON L. CLARKE
DISTRICT ATTORNEY
ST. JOSEPH, LOUISIANA 71366
OFFICE PHONE 766-3236

WILLIAM B. RAGLAND, JR.
ASSISTANT DISTRICT ATTORNEY
LAKE PROVIDENCE, LOUISIANA
OFFICE PHONE 559

July 19, 1971

Judge Ben C. Dawkins
U. S. District Court
U. S. Post Office Building
Shreveport, Louisiana

Civ 13927

Dear Judge Dawkins:

Much to my surprise, I received a communication from the Justice Department with reference to the failure of the three parishes of the Sixth Judicial District to forward their plans for re-apportinment to the Justice Department for its approval. For your information I am enclosing herewith a copy of the communication in question.

As I recall, you first took the position that we would have to submit our plans to the Justice Department even though they had been finally approved by you. Then after the decision of Peggy J. Connor, et al v. Paul B. Johnson, et al, handed down by the Supreme Court on June 3, 1971, on an Application for Stay, we understood that if our plans were made an Order of your Court, we would not have to secure approval of the Justice Department.

The Court, in its Per Curiam, on Page 3 wrote: "Insofar as appellants ask relief under the Voting Rights Act of motion for stay is denied. A decree of the United States District Court is not within reach of Section 5 of the Voting Rights Act. However, other reasons lead us to grant the motion to the extent indicated below."

In view of the Justice Department's letter and the decision referred to, supra, the writer is at loss to determine what course of action we should take regarding the re-apportionment plans which have been approved in Madison and the ones which will be shortly submitted to the Court for East Carroll and Tensas Parishes.

Thusly, we will appreciate very much clarification from the Court as to what answer we should give the Justice Department relative to its communication.

Very truly yours,

Thompson L. Clarke

Thompson L. Clarke

Department of Justice
Washington
20530

13 JUL 1971

Mr. Thomsen L. Clarke
District Attorney
6th Judicial District
St. Joseph, Louisiana 71366

Dear Mr. Clarke:

It is our understanding that in order to comply with the one person, one vote principle annunciated in Avery v. Midland, 390 U.S. 474 (1968), and pursuant to Louisiana Revised Statutes 33:1411, officials in virtually all parishes in Louisiana have reapportioned their parish's wards and election districts or will complete the process shortly.

Section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c) provides for review by the Attorney General of the United States or the United States District Court for the District of Columbia when changes in voting procedure are enacted or are implemented by the states covered under Section 5 and their political subdivisions. Under the Supreme Court's recent reaffirmation of its broad interpretation of Section 5, a reapportionment of parishes within your district would be covered by that statute. Perkins v. Matthews, 400 U.S. 379 (1971).

If there has been an alteration of parish ward or election district boundaries, or in the weight of jurors' or board members' votes, it is necessary for the affected Police Jury or School Board to submit the changes to the Attorney General or the court as soon as possible. Unless and until the United States District

Court for the District of Columbia enters a declaratory judgment, or a change is submitted to the Attorney General and no objection has been interposed by him within 60 days after submission, Section 5 of the Voting Rights Act prohibits the implementation of the changes.

Our records disclose that none of the parishes within your judicial district has submitted reapportionment plans for their school boards and police juries to the Attorney General or initiated an action for declaratory judgment. Accordingly, I would appreciate your letting this Department know within ten days if a reapportionment plan has been adopted within your district or whether such action is anticipated. In this connection, we would appreciate receiving a copy of any order adopted pursuant to Louisiana Statutes 33:1411. If a reapportionment plan has been adopted and the governing authority will choose to submit the plan to the Attorney General rather than instituting a lawsuit for declaratory judgment, please also inform us of when we may expect such submission. Gerald W. Jones, Chief of the Voting and Public Accommodations Section for the Civil Rights Division, will be available to discuss this matter with you if you have any questions. He can be reached by calling (202) 739-2167.

Sincerely,

David L Norman

DAVID L. NORMAN
Acting Assistant Attorney General
Civil Rights Division

LAW OFFICES
VOELKER, RAGLAND & BRACKIN
VARCO BUILDING
405 MORGAN STREET
LAKE PROVIDENCE, LOUISIANA 71254

FRANK VOELKER, JR.
WILLIAM B. RAGLAND, JR.
CHARLES R. BRACKIN

TELEPHONE
522 & 523
AREA CODE 318

July 19, 1971

Mr. Alton L. Curtis, Clerk
United States District Court
Western District of Louisiana
Federal Post Office Building
Shreveport, Louisiana

Re: Charles F. Zimmer versus John J. McKeithen et als, Civil Action No. 13,927

Dear Mr. Curtis:

The East Carroll Parish School Board's alternate plans of reapportionment which Judge Dawkins ordered to be filed within 15 days after the filing of intervenors' plan, are enclosed herewith for filing in the captioned suit and presenting to the Court's attention.

Under separate cover, I have transmitted a copy of this filing to Mr. Halpin, Attorney of record for intervenors.

With best wishes, I am

Yours very truly,

William B. Ragland, Jr.
Assistant District Attorney

WBRjr/hh
Enclosure

U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED
JUL 20 1971
ALTON L. CURTIS, CLERK
By Bernadine Clarkson
D.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

*** * ***

CHARLES F. ZIMMER, Plaintiff

VERSUS CIVIL ACTION NO. 13,927

JOHN J. McKEITHEN, ET AL., Defendants

*** * ***

MAY IT PLEASE THE COURT

Although East Carroll Parish School Board considers its first plan of reapportionment by far the most constitutionally acceptable plan and again reurges its acceptance and adoption by this Court, nevertheless, as an alternate plan, and only in the event the Court should find its first plan to be unconstitutional, East Carroll Parish School Board then recommends the adoption of one of the following alternate plans of reapportionment in the order set forth, to-wit:

A. FIRST ALTERNATE PLAN OF REAPPORTIONMENT OF EAST CARROLL PARISH SCHOOL BOARD

East Carroll Parish School Board should consist of eight members to be elected by staggered terms according to Louisiana law from five election districts, District No. 1 to be composed of Enumeration Districts 14 and 15, District No. 2 to be composed of Enumeration Districts 10, 11, 12 and 13, District No. 3 to be composed of Enumeration Districts 1, 2, 3, 4 and 9, District No. 4 to

be composed of Enumeration Districts 3 and 6, and District No. 5 to be composed of Enumeration Districts 5, 7 and 8, these Districts to furnish 1, 2, 2, 1, and 2 members, respectively, to the School Board. The ideal number of persons to be represented by each School Board member is 1,611. Districts 1 through 5, inclusive, would deviate from this ideal number plus 2.2 percent, plus 4.8 percent, minus 6.4 percent, plus 2.0 percent and minus 0.6 percent, respectively. The districts would contain a black population of 53.1 percent, 52.4 percent, 48.5 percent, 84.5 percent and 64.8 percent, respectively. The total deviation would be 11.2 percent, the average deviation 3.5 percent and the maximum deviation would be 6.4 percent. When compared to intervenor's plan No. 1, East Carroll Parish School Board's first alternate plan is 3.0 percent greater in total deviation, approximately the same average deviation and 2.1 percent greater maximum deviation.

B. EAST CARROLL PARISH SCHOOL BOARD SECOND ALTERNATE PLAN OF REAPPORTIONMENT

East Carroll Parish would be subdivided into five election districts, composed of the same enumeration districts as described in the first alternate plan, the districts to be qualification districts for the same number of persons as set out in the first alternate plan, with all members to be voted on at large throughout East Carroll Parish.

Under this plan, there would be .0 percent deviation; the members on the School Board would represent all areas of East Carroll Parish; the qualifying districts would provide about the proportion of members on the Board that its total population bears to the whole population of East Carroll Parish; and there would be a modicum of dilution of the black vote, and considerably less

dilution than either one of the two plans offered by intervenor.

The plans set forth above will be demonstrated by exhibits at the hearing and proof of the allegations of the superiority of the School Board's plans over intervenor's plans will be presented at the same time.

In conclusion, East Carroll Parish School Board requests the adoption of its first plan of reapportionment, failing which it recommends the adoption of either its first alternate plan or its second alternate plan, in that order.

Respectfully submitted,

EAST CARROLL PARISH SCHOOL BOARD

By Troyce B Dukes
Troyce B. Dukes, President

William B Ragland Jr
WILLIAM B. RAGLAND, JR.
Assistant District Attorney

STATE OF LOUISIANA
Twenty-Eighth Judicial District
CALDWELL & LASALLE PARISHES
P. O. BOX 650
COLUMBIA, LOUISIANA 71418

OFFICE OF THE DISTRICT ATTORNEY
HOLMES M. MOUSER

JENA, LA., PHONE 992-2007

July 21, 1971

Mr. David L. Norman
Acting Assistant Attorney General
Civil Rights Division
Department of Justice
Washington, D. C. 20530

Dear Mr. Norman:

Since your last correspondence with the District Attorney's Office in LaSalle Parish I have become District Attorney and my predecessor, Honorable Lewis R. Sleeth, to whom you addressed your letter of July 13, 1971, has become District Judge in this same judicial district.

I assume your letter refers mainly to the reapportionment proceedings in LaSalle Parish, because the proceedings that were undertaken in Caldwell Parish concerning the Police Jury were handled contradictorily and eventually resulted in a judgment rendered by the Honorable Ben C. Dawkins, presiding over the Monroe Division of the Western District of Louisiana. In view of the recent Supreme Court decision, we are under the impression that the Caldwell Parish matter is therefore concluded.

Since the LaSalle Parish matter was concluded, as for as I was concerned, before I took office, I will discuss your letter with Judge Sleeth and if the compromise worked out in that parish was accomplished without a judgment then we will be back in touch with you at a later date. That parish falls in the Alexandria Division and the proceedings were under Judge Nauman Scott of the Western District, Alexandria Division. I am having a conference with Judge Scott between now and July 26 concerning the school problem and I will discuss this matter with him also.

With best regards, I am

Very truly yours,

Holmes M. Mouser

HMM/pw

STATE OF LOUISIANA

Twenty-Eighth Judicial District

CALDWELL & LASALLE PARISHES

P. O. BOX 650

COLUMBIA, LOUISIANA 71418

OFFICE OF THE DISTRICT ATTORNEY
HOLMES M. MOUSER

PHONE 649-2067
JENA, LA., 992-5015

July 21, 1971

Honorable Ben C. Dawkins
Federal District Judge
U. S. Post Office & Court House
Shreveport, Louisiana 71100

Honorable Nauman S. Scott
U. S. District Judge
Federal Building
Alexandria, Louisiana 71301

Honorable Lewis R. Sleeth
District Judge
Twenty-Eighth Judicial District
Jena, Louisiana 71342

Gentlemen:

Enclosed you will find a letter addressed to my office from Mr. David L. Norman, Civil Rights Division, Department of Justice and my reply thereto, all of which is self-explanatory.

I will be in conference with all three Judges during the following week on other matters. At that time I would be happy to obtain each Court's position with respect to the request of the Department of Justice.

With kindest personal regards, I am

Very truly yours,

Holmes M. Mouser

HMM/pw

Enc.

OFFICE OF

THE DISTRICT ATTORNEY

SIXTH JUDICIAL DISTRICT

EAST CARROLL · MADISON AND TENSAS PARISHES

THOMPSON L. CLARKE
DISTRICT ATTORNEY
ST. JOSEPH, LOUISIANA 71366
OFFICE PHONE 766-3520

WILLIAM B. RAGLAND, JR.
ASSISTANT DISTRICT ATTORNEY
LAKE PROVIDENCE, LOUISIANA
OFFICE PHONE 559

July 22, 1971

Mr. David L. Norman
Acting Assistant Attorney General
Civil Rights Division
Department of Justice
Washington, D. C. 20530

Dear Mr. Norman:

In reply to your letter of July 13, 1971, inquiring about the reapportionment plans for East Carroll, Madison and Tensas Parishes, Louisiana, and requesting that they be sent for review and approval by the Attorney General of the United States, under Section 5 of the Voting Rights Act of 1965, I wish to advise that each of the three Parishes have been made defendants in reapportionment suits filed in the United States District Court for the Western District of Louisiana, Monroe Division, and docketed as follows:

Zelma C. Wyche, et al
Vs. The Madison Parish Police Jury, et al
Civil Action No. 14053,

Charles F. Zimmer
Vs. John J. McKeithen, et al
Civil Action No. 13927
(East Carroll Parish), and

Ples Bell, et al
Vs. The Tensas Parish Police Jury, et al
Civil Action No. 16670.

None of the plans will be final until approved by the District Court, and it is my understanding of the U. S. Supreme Court case of Peggy J. Connor, et al, V. Paul B. Johnson, et al, 91 U. S. 1760, (1971) that when the plans are handed down in a decree of the U. S. District Court, they are not within the reach of Section 5 of the Voting Rights Act, and need not be submitted to the Attorney General or the United States District Court of the District of Columbia for review and approval.

Mr. David L. Norman
July 22, 1971
Page 2

After receiving your communication, I conferred with Judge Ben C. Dawkins, presiding Judge of the Western District of Louisiana, relative to your instructions with reference to referring the plans to your Department, and he advised that Connor V. Johnson, cited supra, is controlling, and that any plan incorporated in a decree issued by him would not have to be submitted to you.

Very truly yours,

Thompson L. Clarke

Thompson L. Clarke
District Attorney
Sixth Judicial District, State of Louisiana

TLC:mc

cc: Judge Ben C. Dawkins
U. S. Post Office Building
Shreveport, Louisiana

Hon. William B. Ragland
Assistant District Attorney
Lake Providence, Louisiana

Hon. John T. Seale
Assistant District Attorney
Tallulah, Louisiana

Mr. Burton L. Wade
Attorney at Law
St. Joseph, Louisiana

Mr. Philip B. Watson, Jr.
Attorney at Law
St. Joseph, Louisiana

FILED
AUG 2-1971
CLERK

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

CHARLES F. ZIMMER

VERSUS CIVIL ACTION NO. 13927

JOHN J. McKEITHEN, ET AL

*** * ***

DECREE PROVIDING FOR THE REAPPORTIONMENT OF POLICE JURORS AND SCHOOL BOARD MEMBERS IN EAST CARROLL PARISH, LOUISIANA, ETC.

This Court having ordered East Carroll Parish Police Jury and East Carroll Parish School Board to submit their constitutionally satisfactory plans for the reapportionment of their respective bodies in accordance with the "one man - one vote" rule announced in Avery vs. Midland County, Texas, (Sup. Ct., April, 1968) 88 S. Ct. 1114, and subsequent cases; and East Carroll Parish Police Jury and East Carroll Parish School Board having submitted their respective plans for reapportionment to this Court; and intervenor having submitted a plan of reapportionment for each of said bodies as well as alternate plans of reapportionment; and the Court having conducted a hearing on July 29, 1971, at which the witnesses called by the respective parties were examined and cross-examined by the parties and the court; and the court having considered all plans presented as well as all alternate plans proposed by the parties hereto, it has made the following finding of facts:

1. That according to the 1970 U. S. Census, East Carroll Parish has a total population of 12,884 persons of which number

7,568 are blacks and 5, 306 are whites and other nationalities; that the black population of East Carroll Parish, Louisiana, comprises 58.7 percent of the total population.

2. That the plan of reapportionment offered by East Carroll Parish Police Jury and East Carroll Parish School Board is more satisfactory than other plans presented because it offers a zero deviation while all other plans considered did not.

3. That the plan of reapportionment offered by East Carroll Parish Police Jury and East Carroll Parish School Board does not dilute nor discriminate against the black population as the new voting unit from which officers of the jury and the board are to be elected is comprised of 58.7 percent blacks, or a substantial majority of blacks, while other plans considered diluted the black population of different areas within the parish significantly greater than the plan offered by the jury and school board.

4. That the plan recommended by East Carroll Parish Police Jury and East Carroll Parish School Board has actually been in effect in East Carroll Parish since December 2, 1968, and the plan has not proved discriminatory against blacks.

5. That the plan represents the wishes of both public bodies, having been endorsed by two of the three black public officials now serving on these public bodies.

6. That the plan of apportionment offered by East Carroll Parish Police Jury and East Carroll Parish School Board is a constitutionally acceptable plan and meets all of the requirements of the "one-man, one-vote" rule of law.

7. That the evidence adduced by intervenor failed to show that the plan offered by the two aforesaid public bodies would discriminate against blacks or in any manner dilute the black

population.

ACCORDINGLY, IT IS HEREBY ORDERED, AND DECREED that East Carroll Parish, Louisiana, be and it is hereby reapportioned as follows:

East Carroll Parish, Louisiana, be and it is hereby subdivided into seven wards, each of which shall conform to the same geographical boundaries and areas as the existing wards; each newly created ward shall be numbered as the existing ward which it replaces; that one (1) Police Juror and one (1) School Board member shall be elected from each of the newly created wards numbered 1, 2, 4, 5, 6 and 7, and three (3) Police Jurors and three (3) School Board members from the newly created Ward Three (3), all Police Jurors and School Board members to be elected at large throughout East Carroll Parish, Louisiana; and that the newly created Police Jury offices and School Board offices be filled as the terms of the present office holders expire, according to and in the manner prescribed by the Louisiana election laws applicable thereto.

IT IS FURTHER ORDERED, that all or any part, of any order previously issued herein which is in conflict herewith is hereby revoked and rescinded.

Signed at Shreveport, Louisiana, this 2nd day of August 1971.

Ben C. Dawkins

BEN C. DAWKINS, JR., Chief Judge,
United States District Court for
the Western District of Louisiana

Approved as to form:

William B. Ragland, Jr.

William B. Ragland, Jr.
Attorney for East Carroll Parish
Police Jury and East Carroll
Parish School Board

Clerk

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED
A[illegible] 9 - 1971
ALTON L. CURTIS, CLERK
By [illegible] D

CHARLES F. ZIMMER, Plaintiff, STEWART MARSHALL, Plaintiff-Intervenor, v. JOHN J. McKEITHEN, et al., Defendants.	CIVIL ACTION NO. 13927

NOTICE OF APPEAL

Notice is hereby given that Stewart Marshall, Plaintiff-Intervenor herein, appeals to the United States Court of Appeals for the Fifth Circuit pursuant to Rule 73(b) of the Federal Rules of Civil Procedure and Rule 3(b) of the Federal Rules of Appellate Procedure from an order of this Court dated August 2, 1971.

Respectfully submitted,

STANLEY A. HALPIN, JR.
DEBRA A. MILLENSON
606 Common Street - Suite 405
New Orleans, Louisiana 70130
523-1797

By: [signature]

Dated: August 4, 1971

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED
A[illegible] 4 - 1971
ALTON L. CURTIS, CLERK
By [illegible] D

CHARLES F. ZIMMER, Plaintiff, STEWART MARSHALL, Plaintiff-Intervenor, v. JOHN J. McKEITHEN, et al., Defendants.	CIVIL ACTION NO. 13927

DESCRIPTION OF PARTS OF TRANSCRIPT APPELLANTS INTEND TO INCLUDE IN THE RECORD AND STATEMENT OF ISSUES THEY INTEND TO PRESENT ON APPEAL

Please take notice that plaintiff-intervenor appellant in this action intends to include all of the transcript of testimony in the record on appeal.

Plaintiff-Appellant intends to present the following issue on appeal:

Whether the Court erred in approving an apportionment plan which by prescribing that all members of the East Carroll Parish Police Jury and School Board be elected at large, dilutes the effect of the vote of black citizens of that parish.

Respectfully submitted,

STANLEY A. HALPIN, JR.
DEBRA A. MILLENSON
606 Common Street - Suite 405
New Orleans, Louisiana 70130

By: [signature]

Dated: August 4, 1971

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED
OCT 18 1971
ALTON L. CURTIS, CLERK
By: Deputy

CHARLES F. ZIMMER :
:
VERSUS : NO. 13,927
:
JOHN J. McKEITHEN, ET AL. :

Transcript of proceedings in the above-entitled action, before the Honorable Ben C. Dawkins, Jr., United States District Judge, at Monroe, Louisiana, on July 29, 1971.

APPEARANCES: Messrs.:

STANLEY A. HALPIN, JR.
Attorney for Plaintiff

WILLIAM B. RAGLAND, JR.,
Assistant District Attorney,
East Carroll Parish, Louisiana
On Behalf of the Defendants

SIDNEY YOUNG COURT REPORTER 311 FEDERAL BLDG. SHREVEPORT LA

THE COURT: You may proceed, Mr. Ragland.

CHARLES O. REED,

called as a witness on behalf of the defendants, being first duly sworn by the Clerk, testified as follows:

DIRECT EXAMINATION

BY MR. RAGLAND:

Q Mr. Reed, will you please state your full name?

A Charles O. Reed.

Q Your residence?

A Lake Providence, Louisiana, East Carroll Parish.

Q What is your official connection with any public body of East Carroll Parish?

A I am the Secretary-Treasurer of the East Carroll Parish Police Jury.

Q How long have you served in this capacity?

A A little bit over two years.

Q Mr. Reed, during the course of your tenure in that position have you attended all of the meetings of the Police Jury with respect to reapportionment?

A Yes.

Q Have you not only been present but also transcribed these proceedings in note form and in some cases by transcription belt?

SIDNEY YOUNG COURT REPORTER

A Yes.

Q During the course of these proceedings, have you had an opportunity to actually record in the records of your materials in the Police Jury Office a Resolution which set forth a reapportionment plan that was voted upon by the East Carroll Police Jury?

A Yes.

Q Was this pursuant to and in response to a letter from this Court to the East Carroll Parish Police Jury earlier this year?

A Yes.

Q Would you tell us what the result of this Resolution was, and refer to a map which is to your right, and explain to the Court exactly what the Resolution said and meant?

A The Resolution adopted by the East Carroll Parish Police Jury submitted to the Court a nine-member reapportionment plan for East Carroll Parish whereby each member would be qualified to be elected by district.

I am looking at the yellow district which is the old ward line of Ward 4. A person to qualify to represent that particular area would have to live in that area so he would be voted on at large by the people of East Carroll Parish.

In green, to qualify his residency should be within the green area. In the brown area and blue area and the

SIDNEY YOUNG, COURT REPORTER 311 FEDERAL BLDG., SHREVEPORT, LA

orange area and the purple area, each one of those would qualify and elect one representative.

Q How would these other areas be voted upon, the green, the brown and blue and so on; within districts or at large?

A At large. They will be voted on at large.

One of the requirements would be that they live and reside in these areas and they would be voted on at large.

In the red area the Resolution qualified a three-member representation. The requirements will be they reside in this particular red area. They would also be voted on at large by East Carroll Parish.

Q Is this a new plan for East Carroll Parish or is it an existing plan of reapportionment?

A This plan was adopted in 1968 and it has been in effect since that time.

Q Have any elections been held in East Carroll Parish after the adoption of this at-large plan?

A Yes.

Q Would that mean the voting system in force now with respect to precinct registration rolls, are they presently set up to accommodate this particular system of electing people to the Police Jury?

A Yes, they are.

Q Would you tell me how many members are on the Police

Jury now?

A At the present time there are only eight members on the Police Jury.

Q Would you please explain why?

A Effective June 30 of this year Arnie L. Wilson, Jr. was a member of the East Carroll Parish Police Jury. He qualified by his residency being in the old Ward 3.

Q What color is that?

A It is red on the map. Mr. Wilson accepted a transfer by his company in the insurance business and transferred to the State of Mississippi. He resigned effective June 30.

Q May I assume that position has not been filled according to the method prescribed by Louisiana law?

A That is true, it has not been filled.

Q Of the eight remaining jurors, could you tell me the racial makeup of those persons? Are there any colored members on the Police Jury?

A Yes, we have two colored members.

Q Will you tell me where they come from?

A Watson Sanders in the orange area, the old Ward 1 on the bottom right-hand part of the map.

In the red area, Otis Birdwell, Sr. is a member of the Police Jury.

Q When this plan was first adopted by the East

SIDNEY YOUNG, COURT REPORTER 311 FEDERAL BLDG., SHREVEPORT, LA

Carroll Police Jury, was it the unanimous plan of this Jury?

A No, it was not.

Q Were there dissenters and, if so, who were these persons?

A There was one dissenter and that was Watson Sanders representing Ward 1.

Q Since that time has the East Carroll Police Jury polled itself as to whether or not this plan was to be presented to the Court as the unanimous consent of that Jury?

A Yes.

Q What was the result of that particular vote?

A Unanimous that it would be presented as a No. 1 plan.

Q Are you saying all members, including the two colored officials, supported this plan as the No. 1 plan for East Carroll Parish?

A Yes.

Q And you are authorized to make such a statement to this Court at this time?

A Yes.

Q Do you have anything else to say in regard to this plan? You sit in on all the meetings. Was this plan voted to be especially adaptable to East Carroll Parish or did it have some benefits the Jury found to be much better than other plans offered them? Why did they select this plan,

SIDNEY YOUNG, COURT REPORTER 311 FEDERAL BLDG., SHREVEPORT, LA

in short?

A For a number of reasons. I believe deviation is a factor in reapportionment and the deviation is 0.0. I think the Jury selected it on account of the geographical areas the members would represent and still be voted on at large throughout the Parish of East Carroll.'

Q You say there is a geographical representation assured under this plan. Will you explain that?

A The area colored in yellow is the old ward line for Ward 4 and we felt like a representative in that area would better represent the people as to the drainage ditches, the roads, the inspection of these ditches and roads.

We felt like the voting rolls have been set up for this type of government; that it would be less cost to the Police Jury and to the people, as well as the assessment rolls.

Q I notice you referred to three persons coming from the red colored district which is old Ward 3. Was there any particular reason why they ask more people come from that area than the other areas, where in the other areas only one person would be qualified and seated on the Jury?

A It seems the larger part of the population is from the red area. The Town of Lake Providence is in that area.

You might say there are three different types of people in that area -- people from the rural area, suburban people and people from the town. We felt it needed more

SIDNEY YOUNG, COURT REPORTER 311 FEDERAL BLDG., SHREVEPORT, LA

representation for more different types of people.

MR. RAGLAND: Tender the witness.

CROSS EXAMINATION

BY MR. HALPIN:

Q Mr. Reed, you indicated that the black members of the Police Jury who are presently serving are from this area and this area; is that correct?

A That is correct.

Q They were not elected under the at large system, were they?

A I don't believe they were elected under the at large system.

Q They were elected under the old system when you had the parish divided up in individual wards?

A That is correct.

Q Is it not true by changing from wards to at large elections, most assuredly there would be no blacks elected to the Police Jury if the elections were held tomorrow at large?

A If you are asking for my opinion, I feel there will be some blacks elected.

Q Some whites elected, too?

A Probably.

Q Do you think the present two members of the Police

Jury can possibly be elected under the new at large plan?

A They have been very good representatives. I see no reason why they could not. This is my opinion.

Q Have you had opportunity to examine the eight-member plan which we have submitted?

A Yes, I have examined it.

Q What would be the objection of the Police Jury to a plan such as this, if any?

A Well, I would really have to get into the facts and I can't speak for the Jury, but I believe I could throw this out: I believe it might be in some of my study, if I remember right, maybe the rural black resident would not be adequately represented. I believe their vote would probably be diluted.

Q You are saying as opposed to your at large plan?

A Yes.

Q Other than that particular feature, would there be any serious objection you could see to this plan as a method of districting East Carroll Parish?

A I can only compare it with the at large plan, if you would like for me to do so.

Q Can you make the assumption?

Let us assume the at large plan is out and the Police Jury has to come up with a plan other than an at large plan. Would this plan, or let me also indicate this other

plan we filed into the record -- a nine-member plan --

MR. RAGLAND: Your Honor, in order to protect my case, as the Court knows, this other plan was handed to us after we started and none of these people have had an opportunity to examine and study it. He should not question him about his plan which we have not had an opportunity to review yet.

I ask the Court to reserve to me and my witnesses an opportunity to see and study that plan before we have anything to say about it.

MR. HALPIN: I want to get some idea if there is a particular feature of this plan. The witness doesn't have to have the opportunity to examine it in detail.

BY MR. HALPIN:

Q This plan has nine members. It has got a total deviation of 5.76 per cent. It has four wards.

Ward 1, which is the red ward, has one representative and it is forty-four per cent black.

Ward 2, which is the green, takes in this part of Lake Providence as well as this rural part. That ward has 61.8 per cent black.

Ward 3, which is the blue area in this part of Lake Providence, has four members and it has about sixty-nine per cent black population.

SIDNEY YOUNG, COURT REPORTER, 311 FEDERAL BLDG., SHREVEPORT, LA

Ward 4, which is the orange ward below, elects two members and has forty-three per cent black population.

Offhand, and understanding this is the first time you have seen this plan, if the Court should rule the at large plan would not be acceptable, would the Police Jury have any serious objection to this plan as a method of re-apportionment?

A Mr. Halpin, I believe in all of our deliberations on reapportionment these multi-member districts have been one objection to the Police Jury of East Carroll Parish and this plan does have an election district where there are four; another where there is one, and two more that have two members, and in all of our study we feel like the multi-member districts where they have four members would really have more representation, you might say, than maybe the smaller representation wards. That would be one objection.

Q Have you attempted to discuss a single-member district for the parish? In other words, eight or nine individual districts or wards where each would elect one person?

A If you are asking have I --

Q Has the Police Jury?

A There hasn't one that has been presented at a meeting. I am sure there have been occasions where it was tried to be figured out on the enumeration district basis. There hasn't been one presented at a meeting.

MR. HALPIN: No further questions.

SIDNEY YOUNG, COURT REPORTER, 311 FEDERAL BLDG., SHREVEPORT, LA.

LOUIS L. MINSKY,

called as a witness on behalf of the defendants, being first duly sworn by the Clerk, testified as follows:

DIRECT EXAMINATION

BY MR. RAGLAND:

Q State your name for the record, sir?

A Louis L. Minsky.

Q Mr. Minsky, may I assume you are a resident of East Carroll Parish?

A Right, sir.

Q What official position do you hold in that parish?

A I am a Police Juror from the now existing Third Ward.

Q How long have you served as such an officer?

A The election, I believe, was held in November, 1967. I come up for re-election this coming November.

Q May I assume you have been in on most, if not all, East Carroll Parish Police Jury discussions pertaining to re-apportionment?

A Yes, sir.

Q Were you a member of the Reapportionment Committee?

A Yes, sir.

Q Will you tell me what this committee was composed of?

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A It consisted of the whole Police Jury.

Q How long has the Jury acted as a committee of the whole to study the matter of reapportionment?

A It seems like shortly after we went in office there was some discussion about reapportionment and I think at that time there was an existing Reapportionment Committee before then, and we did away with that and appointed ourselves as a Reapportionment Committee. So, I would say three years, maybe.

Q Is the Police Jury presently under an order of reapportionment from this Court?

A Yes, sir, to my knowledge they are.

Q The plan which has been described and discussed before the Court here, is that the plan which has been adopted by the East Carroll Police Jury as its first plan?

A Yes, sir.

Q Taking this plan as it is, can you tell me why the East Carroll Parish Police Jury took it over other plans considered if others were, in fact, considered?

A I can only elaborate on what Mr. Reed said. I think primarily we took this plan because it did give geographical representation and we adopted this plan under mandate from the Federal Court when it was adopted.

In my opinion, we didn't want to deviate from the plan we had which was the old ward plan. I think by having

an at large setup like this you get far better representation from your Jurymen because they are responsible to all the people in the parish.

Q Did you not notice a change when jurors were elected from a ward and when the members of the jury were elected at large?

A Yes, sir, I think there has been a drastic change.

Q In what way?

A The rural members have been more responsible to the urban members.

I am a businessman and own a business. I think prior to the at large plan we weren't considered at all and this at large plan changed this entirely.

Q What about the consideration of the black and white citizens in East Carroll Parish? Was that considered as one of the elements in establishing this plan?

A Yes, sir. Mr. Ragland, I hate to elaborate how detailed we went into it, but I think it was given some consideration. I will say that with some reservation.

Q Did you all consider the element of dilution in comparing these plans?

A Yes, sir. To my knowledge, we didn't have any figures. The only figures might have been the 1960 census. I just don't remember, quite frankly, if we did it as good like we might have done it in a general manner.

Q Did you consider the plans that had been presented by the Intervenor in this case, that is, the two plans presented by the others?

A Yes, sir, I looked into them in quite some detail.

Q I believe at least one of those plans is up on the board now. The seven-member plan which was Plan No. 1 submitted by the Intervenor is not there, but it appears on this board over here.

Did you make a study of those plans and compare them to the at large plan which was adopted?

A Yes, sir.

Q What disadvantages would you say were in these plans that you thought the at large plan eliminated?

A Really, Mr. Ragland, I can't think of any particular advantage. We refer to our plan as a single-member district; is that correct?

Q This plan which is on the large board to your left I believe is the No. 2 Plan.

MR. HALPIN: Why don't we call that the seven, eight, and nine-member plan; the first is the eight, and the second is the nine.

BY MR. RAGLAND:

Q You haven't seen this nine-member plan until today. Looking at the other two plans, you did have and did consider

them and try to find out whether or not they were better or had worse characteristics in the plan you were going to ask this Court to take?

A As I said before, I think our plan is superior and I stated why it was superior.

Q Looking at this plan, what characteristics did you find in it that you didn't find in this one?

A Is this their eight-member plan?

Q That was the seven-member plan marked Plan No. 1.

When you considered this, what things did you find in Plan No. 1 that were inferior to the plan submitted by the Police Jury?

A I think primarily your green area is such a large area you wouldn't have as good representation from this large area.

As I stated before, these people elected in the different geographical areas, they wouldn't be responsible to the rest of the parish.

Q You base your selection of your plan over that Plan No. 1 because the south district there has a large territory and it is represented by, I think, only two people?

A Right. If it is represented by two people, that is correct.

Q What about in the green area? Would you have any assurance, for example, old Ward 1 would have someone on the

Police Jury and Ward 7 would have someone on the Police Jury? Would there be absolute assurance there would be distribution of representatives on that Board?

A Frankly, I think they would come from one isolated area in the green area. I think they would come primarily from your Translyvania area. I don't think this is good because you have such a large geographical area and we are primarily a rural farming community and we need geographical representation broken down in as small areas as possible because these people have to take care of our problems.

In our particular situation in East Carroll Parish, the Police Jury is primarily a rural governing body and it functions for the purpose of farmers and most of our revenue goes to drainage and road maintenance and things along these lines. I think the more people you have representing more different areas, the better it is.

Q You are from the Town of Lake Providence?

A Yes, sir. I live in the Lake Providence city limits.

Q And you just said this government really doesn't work outside of the town. Can you tell me offhand what the Police Jury really does inside the municipal limits of Lake Providence?

A I would say as far as expenditure of dollars and cents, I think the percentage would be very low as far as

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the city against the rural area.

Since we have had the at large voting the Police Jury gave $10,000.00 of the state money to the city and the city, I think, was deserving of it and they needed it. I don't think this ten thousand dollars would have ever been received by the city if it hadn't been for the at large voting.

Q When you are talking about this one gift you made to the Town of Lake Providence, did you decide where these funds would be spent?

A No, sir, we gave $10,000.00 to the Town Council and they could use it at their own discretion.

Q Wouldn't it be fair to say you really didn't do anything inside the town?

A That's right, other than there might be minor things. We make appointments to the Port Commission and things of this nature, which, in my opinion, are not real important as far as monetary value.

Q What are the big functions of the Police Jury? What are the things that takes up most of the Police Jury's time?

A I think in East Carroll Parish you would have to say the primary functions are for the drainage of the rural farmlands and maintenance of rural roads and another big part of our business is we have a prison farm in East Carroll

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Parish and we have a separate Prison Board consisting of Police Jurors which I happen to be on. This is one of my primary interests on the Police Jury. I think these three things are the primary functions of the Police Jury.

Q Is that prison district located within or without the Town of Lake Providence?

A It is located in the purple area, which is presently Ward 2.

Q Did you consider the fact that the plans that were offered by the Intervenor in this case had multi-member districts involved in it?

Did you give consideration to that and, if so, what was it?

A Yes, sir, we were all aware of what the plans were. I think we considered their plan. We were aware they were multi-member districts, yes, sir.

Q When Mr. Halpin interrogated your secretary, he asked him if he thought under the at large voting scheme if a black could be elected. I would like to ask you that question?

A Yes, sir, I think so. I think very strongly that one in particular can be elected. I think in addition to that if more qualified black people run from East Carroll Parish, I think they can be elected. There is no limit on the number they can elect.

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Q Are you familiar with the Town of Lake Providence because you are a citizen and businessman in it and are you, therefore, familiar with local politics of that city?

A I am familiar with it because I was born and raised in Lake Providence. I am in business there and I love Lake Providence and I am also familiar with the politics.

Q Is not your father the Mayor of the Town of Lake Providence?

A Yes, sir.

Q Is it not true that together you work in a pharmacy in Lake Providence?

A Yes, sir.

Q You are aware of the makeup of the Board of Aldermen of the Town of Lake Providence?

A Yes, sir.

Q You know all of the people in it?

A Yes, sir, I think so.

Q Are you aware that these people represent the geographical area known as the Town of Lake Providence?

A Yes, sir.

Q Are you aware of the fact these people qualify and they have to submit themselves to the vote of the people in that area?

A Yes, sir.

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Q Are you aware this area has approximately a two to one black population?

A Yes, sir, something like four thousand to two thousand, roughly.

Q You have seen the statistics?

A Yes, sir. It is something like two to one.

Q Are you aware that the black proportion in the population there is greater than it is parish-wide?

A Yes, sir.

Q Are you aware because you have looked at the figures that the blacks have approximately 58.7 per cent of the total population of the parish?

A Right.

Q Within your experience and knowledge, have blacks run for office within the Town of Lake Providence within the last five years?

A Yes, sir. As a matter of fact, Mr. Jackson ran against my father for Mayor.

Q Can you think of any other occasion?

A Mr. Marshall ran for Marshal in that same election.

There were some colored candidates in the first primary of the Board of Aldermen's race.

Q Have any of these colored candidates ever won an office in the Town of Lake Providence?

A To my knowledge, no, sir.

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Q Since 1965, all colored candidates who have offered themselves for office were defeated; is that not correct?

A To my knowledge, yes, sir.

Q Of course, the Town of Lake Providence because it is a political unit within a boundary, is it in a sense an at large system within the town itself?

A Yes, sir, we have to consider it completely as an at large system.

Q Although the blacks in that area have a proportion of two to one, no black has ever been able to win an election?

A To my knowledge, I can't think of any. There are none presently serving on the Board of Aldermen.

Q Would you say the fact that these candidates have not been able to win an office, has that been due to the at large system which existed in the Town of Lake Providence?

A No, sir, I don't think so.

Q Do you have any idea why that happens?

A I think without a doubt you would have to say the black candidates just haven't gotten enough black votes. I think this is a primary reason. There might be some secondary reasons. Primarily, the blacks haven't voted entirely black.

Q Even in the Town of Lake Providence, do you feel if a qualified black submits himself for office he can be elected?

A I certainly do. I strongly feel that.

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MR. RAGLAND: Tender the witness.

CROSS EXAMINATION

BY MR. HALPIN:

Q You mentioned if a qualified black would present himself for office in the present system, you think it is possible for him to be elected. It is true, in fact, there are many qualified blacks who live in East Carroll Parish in the Town of Lake Providence?

A Yes, sir, I think there are.

Q You mentioned that you are very familiar with the politics in Lake Providence and East Carroll Parish. Is it not true prior to 1960 practically no blacks were registered to vote in that parish?

A Mr. Halpin, I am sure you are right. Prior to 1960 I was off in New Orleans in school. From 1956 to 1963 I was not residing in Lake Providence.

Q You were aware at some point no blacks were allowed to register to vote in that parish?

A Yes, sir.

Q And you also are aware Federal Registrars were sent to that parish to register voters?

A Yes, sir.

Q And, in fact, most of the blacks who registered to

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vote were registered by Federal Registrars?

A Yes, sir.

Q You indicated your father was elected and gave some explanation for the reason. Is it not true also in that election a white area was annexed into the town?

A You say in that election?

Q Before the election?

A Yes, sir, there was prior to the election.

Q You are also aware the former Mayor and the Chief of Police refused to allow black candidates to use loud speakers?

A I would rather not get into that because I am not aware what happened in town politics prior to the time my father went in as Mayor.

Q You weren't in town at the time he ran?

A Yes, sir, I was running my business.

Q You didn't follow that election rather closely?

A Yes, sir. Like I say, I have a vague memory of this loud speaker thing. I don't know any of the details because I am not familiar with it.

Q Don't you think East Carroll Parish has a long history of discriminating against black voters?

A Yes, sir. You can interpret it in a lot of different ways prior to 1964 and 1965. That is true. I think the discrimination has lessened.

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Q Are you testifying there was no attempt in drawing the plan to design a plan which the present white incumbents would have the greatest opportunity of getting elected?

A Repeat that again?

Q Did not the Police Jury draw a plan with the idea in mind of assuring that the present white members of the Police Jury would be the best plan to get them elected?

A No, sir, I don't think so. I think there were considerations given to a lot of plans which, you might say, had a selfish overtone.

Q You think the majority of the Police Jury would adopt a plan which they think would defeat the majority of the Police Jury in their next election?

A Repeat that again?

Q Do you think the Police Jury would pass a reapportionment plan which they believed would defeat the majority of the present Police Jury in the next election?

A Yes, sir, I think there is a possibility of it. Yes, sir.

Q They don't vote on reapportionment plans to preserve their situation?

A I think sub-consciously we have a selfish motive. To me, it was a secondary motive. I believe it is not the primary motive.

Q Was there any attempt that you know of to draw a

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single-member district plan of reapportionment for East Carroll Parish?

A Yes, sir, there was a very serious attempt.

Q What happened? Was that single-member district plan devised?

A By single-member plan, do you mean nine single-member districts?

Q Yes.

A No, sir, there was no effort at all. We looked at the enumeration districts and saw it just wasn't possible to use an enumeration district as our guide line and come within anything that would be in reason as far as your deviation.

Q In other words, it is your opinion any plan in East Carroll Parish because of the configuration of the enumeration districts would necessarily have to contain some multi-member districts?

A Yes, sir, I think so. I have given considerable thought to this and looked at the figures real closely, yes, sir.

Q You said you have examined our eight-member plan and you have seen our nine-member plan today?

A I haven't seen your nine-member plan, I glanced at it vaguely.

Q This is the nine-member plan here?

A Yes, sir.

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Q I direct your attention to the eight and nine-member plan.

A Mr. Halpin, I would not prefer to discuss the nine-member plan at all.

Q I will ask the questions and your counsel will object and the Court will come to see whether you have to answer.

First, directing your attention to the eight-member plan -- you mentioned it is impossible to get single-member districts in the parish. Is it not true that the eight-member plan appears to be the only way you can separate the districts into some sort of wards with multi-member districts and come up with the eight-member plan?

A Not wards. I think by using enumeration districts, yes, sir.

Q That is about the only way of drawing an eight-member plan?

A Yes, sir.

Q The nine-member plan which I direct your attention to, which has one representative from the red area which is forty-four per cent black; the green area, which is sixty-two per cent black, and two members; the blue area, which is sixty-nine per cent black with four members; and from the orange area with two members which is forty-two per cent black.

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Did the Police Jury experiment with any nine-member plans other than the at large plan to try to devise a nine-member plan?

A Mr. Halpin, I didn't. To my knowledge, we never got together as a group prior to the time we had our plans and tried to really come up with a plan similar to your eight-member plan.

Mr. Reed worked extensively on a plan in trying to fit the puzzle together, which I will call it.

Q You didn't come up with anything except at an large plan and a second plan which has two districts in it; is that correct?

A You mean was it considered?

Q Considered?

A Yes, sir, there was another plan considered.

Q Was that a plan which had several districts such as the plans here?

A I think, in short, it was a plan similar to your eight-member plan.

Q The Police Jury chose not to adopt that plan?

A Yes, sir.

Q Were there any particular reasons given in rejecting that plan?

A No, sir, there was not.

Q What is your experience with the Police Jury, and

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so on?

Did you vote to reject the plan?

A I resolved the plan. I offered this plan.

Q You are in favor of it?

A Yes, sir.

Q But you don't know why the rest of the members of the Police Jury rejected it?

A No, sir.

Q Would it have divided up the parish into five different districts or four different districts?

A Five different districts, I think.

Q At least one had two members in it?

A One had two members. There were two areas that had two members each.

Q And the rest was one?

A Yes, I think so.

Q Again making an assumption; assume the Court would rule that the at large plan is constitutionally unacceptable, would the eight or nine-member plan we have presented be in some way acceptable to you as a member of the Police Jury?

A Personally it would be. I am speaking for myself.

Q You don't know that it would gain the majority on the Police Jury?

A I will say that with some reservation. I stated my reason why the at large plan is superior to your plan. I say

this only in case the at large plan is out.

Q Do you think the Police Jury could essentially live with one of these plans in that case? Are there any serious defects with the plan if the at large plan were thrown out?

A No, sir, I think your eight-man plan is very similar to the eight-man plan I proposed. I offered this plan and the plan was not accepted.

Q Men might find this plan acceptable should they not have the choice of the at large plan?

A You will have to ask them.

MR. HALPIN: Thank you very much.

RE-DIRECT EXAMINATION

BY MR. RAGLAND:

Q You were asked earlier about the annexed area put in the Town of Lake Providence and, therefore, contributed in some way to the people's vote. Were you aware of the fact all the people within the annexed area did not equal the number of people to beat the other candidate?

MR. HALPIN: Object. He is asking if he is aware of a fact which has not been established in the record.

MR. RAGLAND: If he is aware of it he can say.

THE COURT: Are you aware of it?

THE WITNESS: Yes, sir, I am aware of it. I

can tell you almost the exact number of votes involved in that area.

BY MR. RAGLAND:

Q When Mr. Halpin asked you about the long period of discrimination against blacks over there you retorted he was correct as of 1965.

I will ask you if you personally know of any discriminated voting against office holders in East Carroll Parish since 1965 or since the advent of the Voting Rights Act?

A No, sir, I sure don't.

Q Are you aware of the fact everyone in East Carroll Parish who wants to register to vote and vote in an election is permitted to do so? In fact, he is protected in every way in that right?

A Yes, sir, I feel very strongly that is the case.

Q You have not yet had an opportunity to examine this other plan. May I ask you when you leave this witness stand to take a look at it and later on at the conclusion of this thing we can get this part of it over with.

A Yes, sir.

MR. RAGLAND: Thank you.

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JAMES C. DONOVAN,

called as a witness on behalf of the defendants, being first duly sworn by the Clerk, testified as follows:

DIRECT EXAMINATION

BY MR. RAGLAND:

Q State your name, please?

A James C. Donovan.

Q You are a resident of East Carroll Parish?

A Yes, sir.

Q Do you hold any office in East Carroll Parish?

A I am Police Juror from old Ward 2 in East Carroll Parish.

Q How long have you served as a juryman on that body?

A A little over three years.

Q Have you been a member of a committee of the whole since the time you have been on the jury?

A Right.

Q Have you attended most, if not all, of the meetings/which the matter of reapportionment was considered by the Police Jury?

A I have attended all of them.

Q Did this committee of the whole consist of the entire Police Jury consider not only this Plan No. 1 but other plans as well?

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A We considered many plans and I have studied many plans. We worked long hard hours trying to come up with a plan. We even had meetings open to the public.

Q Point out some of the things that you, as a Police Juror, considered when you came up with a voting plan. What did you think was critical or important, and not only that, what was legally required for you to come up with something in order to give a constitutionally approved plan?

A I was born and reared in East Carroll Parish. I know the area very well. My primary interest is that anybody that serves in public office should be for good government. I have experienced the ward system. Any ward system encourages bad government.

Q What do you mean by that?

A Take this area in yellow on this map and the green area. One of those wards, throughout the entire ward, there are no gravel roads whatsoever. In some of the other areas in the parish the school buses get stuck in the winter.

The yellow area has a road which traverses the levee. That is the reason of four men getting together and spending the gravey of our tax money. That is the reason I got involved in politics. I am not a politician. I have worked with some of the black people in this Court Room. We just weren't getting our tax dollars equally in East Carroll Parish. That was the reason I got in the race. That is the

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reason no ward-type plan would be acceptable to me as a person. I think that is what sold it to this Jury. I went on the Jury under the ward system and served one year and I feel that if you are running at large that you will just be doing a better job for all the people in your parish and you become aware of the concern of all the people in East Carroll Parish.

Q Do you feel it made you more responsible when you looked at the whole picture? 5

A You had to if you wanted to serve another term on the Jury. Another thing, it makes better race relations as borne out by this Jury which contains two black members. Say, there are four thousand black people in Lake Providence. I got to deal with these people.

Q You think the fact that you have to deal with the facts they can vote for or against you?

A They are going to look at my acts these last four years, black or white. I think that is what makes a man get elected.

We have a very peculiar drainage system in our parish. This yellow area basically has a pumping station. Years ago they built a levee. That area needs representation under an at large plan.

Q Are you referring to the orange?

A South of the red area. This at large plan comes

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nearer to the perfect plan as far as deviation is concerned because there isn't any.

Q Let me ask you this: Are you aware of the fact East Carroll Parish is predominantly black?

A Yes, I am well aware of it.

Q Did this plan seem to accommodate itself better than any other plan you considered to this fact of life?

A It is already in force. We are operating it. We have our voting precincts set up.

In my mind, and I think in the Police Jury's mind, as a whole, it has less dilution than any other plan we came by. It gives the black people in old Ward 1 in the yellow area a possible chance to elect some black representation. That is also true even in the orange, purple, brown and blue area. It assures them that if they have a man that would get out and politic and solicit the votes that he can get elected.

Q Did the other two plans submitted by the Intervenor, did they seem to preclude this possibility of election of a black in that area?

A If the voters vote black for black and white for white, you would have your representation of three people in this area.

Q What are you talking about now with three people?

A This brown area on the Intervenor's plan.

Q Is that the area you have reference to when you

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say that plan had three people?

A Yes, sir.

Q Did you discuss also the fact that these plans cut up the Town of Lake Providence into sub-districts and what was your thinking about that?

A Well, it has never been divided. My thinking is that it shouldn't be divided because it has never been done before.

Q Did you find any need or reason for the division of a little municipality in smaller units?

A Well, basically there isn't that much difference in any area there.

Q For example, could the Jury come up with any sound reason why the south central part of the little small town of Lake Providence, which is in blue, why it should have a member on the Police Jury?

A I can see no need because any of those other areas adjacent to it, there isn't any difference.

Q Same kind of people?

A - Same kind of people.

Q Residential?

A Residential.

Q Did both of their plans have subdivided areas within the confines of the Town of Lake Providence?

A Right.

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Q Could you think of one single legitimate reason --

MR. HALPIN: Object to leading the witness.

BY MR. RAGLAND:

Q Could you think of one?

A We couldn't think of any reason for dividing it. They had nothing to gain. There is very little Police Jury money that can be spent in town due to the fact that they have a governing body that levies a tax to maintain the streets. The Police Jury is basically a rural operation in our parish.

Q Did you ever consider the matter of multi-member districts in these plans?

A That was discussed and it goes back to what I said in the beginning.

For instance, say Ward 2; if I were so minded, I could take me and those three men from this brown area and get together and we could really get things done. I am an at large man and I think it is the best type of government when you are responsible to the people and responsible for their tax dollars to be spent wiser.

Q This at large plan which you supported, was it shared by other members of the Jury?

A They unanimously endorsed it.

MR. RAGLAND: Your witness.

MR. HALPIN: No questions.

JERRY WALLEY,

called as a witness on behalf of the defendants, being first duly sworn by the Clerk, testified as follows:

DIRECT EXAMINATION

BY MR. RAGLAND:

Q Please state your name for the record?

A Jerry Walley.

Q Mr. Walley, where do you live?

A I live in Montecello in East Carroll Parish in Ward 7.

Q Is that the ward that is colored in blue?

A Yes, sir.

Q On the defendants' plan No. 1?

A Yes, sir.

Q Mr. Walley, how long have you served on the East Carroll Police Jury?

A Approximately three years.

Q During this period of time have you made either or most of the meetings on the matter of reapportionment?

A I have attended all meetings.

Q Have you had an opportunity to consider plans and

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ultimately come up along with other members of your Jury with a particular plan which you have asked this Court to put in effect?

A Yes, we studied a number of plans and we came up with the at large plan now presented.

Q You will see Plan No. 1 of the plaintiff up here on the left-hand side of this larger board and you will also see what is their Plan No. 2.

Did you actually go through those plans to see if they offered something better than what you offered?

A Yes, I think we studied them thoroughly. I think we gave them great consideration.

Q In what way did you find your plan to be more advantageous than these plans and, secondly, did you find any inferiorities in this plan as compared to those and, if so, tell us what those are?

A I was appointed by the Governor. We had a straw-vote in the ward and I was No. 1 man selected by the people to be appointed by the Governor. We preferred this plan over here, the at large plan. I come from a ward of about 700 people. When the reapportionment plan was submitted this seemed strange, me coming from a small area, I wanted to run on an at large basis, but I found in East Carroll Parish that my main interest is good government regardless of race, color or creed.

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I will go back to my ward or to Ward 1 where we have a black Jury member there. I have added approximately 60 miles of new ditches to that ward. I have added a mile of blacktop to that area. We go to Ward 1 and we added 20 or 30 miles of ditches, which we call the Henderson Loop. In my area we have added ditches and this was for black and white as well because we have black farmers that weren't getting representation.

Then we go into Ward 1, which is the ward Watson Sanders is from. We added a blacktop area east of Highway 65. We added more ditches and put gravel in that area in the last three years more than has been added in the last twenty years.

I firmly believe that geographically speaking the people feel when they can come to you regardless of color or creed and ask you for representation, then give them representation.

We have in this area several cemeteries. We graveled the cementary roads. We have a number of colored churches in this area and we maintain the driveways.

There is no way to give them representation when you have a so-called clique of four against two. It is almost an impossibility.

This is why in order to get good government you should present a man to the people who can do the job for

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all the people equally and I think that has made for better government. This is some of the things that have been added in this small area.

MR. RAGLAND: Your witness.

MR. HALPIN: No questions.

MR. RAGLAND: If the Court please, I would like to be sworn at this time.

WILLIAM B. RAGLAND, JR.,

called as a witness on behalf of the defendants, being first duly sworn by the Clerk, testified as follows:

MR. RAGLAND: I would like to explain some offerings here, Your Honor.

Let the record show that William B. Ragland, Jr., an Assistant District Attorney from the Sixth Judicial District is testifying at this point.

At this point, I would like to explain certain charts, Your Honor, we propose to introduce in evidence and tell the Court why the charts were prepared and what they purport to show.

First, "D-1" shows a total population, total white and black according to the 1970 census. This has been submitted to opposing counsel. This

accurately represents certain information taken from the Census Rolls in 1970 concerning East Carroll Parish.

Beginning with this, which at this point I think is the foundation for the figures and statistics which it will show, I ask that it be introduced in evidence as "D-1".

Based upon these statistics, knowing that the amount of dilution is the central problem in an at large voting system because the Court is well aware at an large voting system is about the only way you can get a zero deviation in a plan. It is the only perfect zero deviation method I know of.

Realizing the most significant problem involved in trying to uphold the at large program was to convince and show by statistics to this Court that the plan offered by East Carroll Parish did not change the status of the black person in East Carroll Parish as much as the plans offered by the other parties.

There were two plans offered to us by the other parties. One of the plans just came to us and we have not had a chance to test the figures there.

"D-2" is captioned "Comparison of Percentage Change in Black Population Under Parish and Intervenor's Plan."

The only way you can get a dilution is to take the old system and compare the old system to what is about to be done by the Court.

We couldn't take the old at large system you imposed on us two and a half years ago because there would be no dilution for that plan to the present plan, so we had to take the ward system because the ward system existed prior to the Court ordering East Carroll Parish to go on an at large plan.

"D-2" takes Wards 1 through 7 of East Carroll Parish and it shows, according to the 1970 Census, the makeup of black and white proprtion in East Carroll Parish.

Going to Ward 1, the first figure is percentage of blacks. The total population is 875 people in Ward 1. The black-white ratio is 306 white and 569 black, making a percentage of thirty-five per cent white and sixty-five per cent black.

Your Honor, we took each ward and studied it in this way to see what the racial makeup was.

MR. HALPIN: Your Honor, in the interest of time saving, Mr. Ragland submitted these figures in his memorandum. I think it would be adequate for the Court to look at it in the memorandum and we can save considerable time. They are based on the original Census Bureau data.

MR. RAGLAND: Your Honor, these percentages do not appear there. Those are things I have calculated and I want to bring it to the Court's attention because I think this is the most important issue in the case as to whether

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or not the program dilutes the black population in East Carroll Parish.

I would point out that Ward 1 has a thirty-five-sixty-five ratio. Ward 2, 64.7-35.3 ration.

Ward 3, 36.2-63.8.

Ward 4, has 27.9-72.1.

Ward 5 has 33.6-66.4.

Ward 6 has 43.62-66.8.

Ward 7, 64.4-39.66.

You will notice there are only two predominantly white wards under the old system and that is Ward 7 and the other Ward would be Ward 2.

Now, we took the plans submitted by the Intervenors and we looked to see what they did with the black population of East Carroll Parish. This is what we came up with:

Ward 1 had sixty-five per cent black. The parish plan which spreads the blacks of Ward 1 and puts them with blacks of other areas of East Carroll Parish place those people in a unit which will contain 58.7 black. The plan No. 1 --

MR. HALPIN: May we point out at this time that this is a seven-member plan. We are not seriously pushing this plan at this point.

MR. RAGLAND: The primary No. 1 plan --

MR. HALPIN: I am saying I agree when there

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is a good eight-member plan in the record or nine-member plan, the Court should obviously choose those which the Police Jury traditionally had and is now proposing.

MR. RAGLAND: Your Honor, we have to prepare the case based upon what was directed to us.

May I continue to take their plan?

THE COURT: Yes.

MR. RAGLAND: Under their first plan the blacks in Ward 1 were put into a new unit. It is depicted by the green area and the blacks in Ward 1 who were formerly in a sixty-five per cent position were placed in their first plan in a 45.9 per cent position.

In their No. 2 Plan, which is the second plan, they reduced the position of the blacks in Ward 1 to put them into a new unit that had a fifty-three per cent black position.

The figures demonstrate, one, that the black man in Ward 1 who formerly had a sixty-five-thirty-five position under our plan is reduced to a 58.7, but under their plans in one case is reduced to minority status and the other slightly in majority status.

We say our plan is superior from a dilution point of view.

In Ward 2 where the blacks were

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in the minority -- there were 35.3 black. Under our plan we are going to take the blacks in that area where they did not have any political prominence before and place those in the new parish-wide voting unit constituting 58.7 per cent of the population.

The blacks in Ward 2 under Plan 1 were put in with a new unit which had 45.9 per cent black makeup and in the other plan, Intervenor's No. 2 Plan. They put those blacks into a new voting unit that had 35.0 position.

We say Ward 2 has been up-graded on the parish at large system. They have down-graded significantly in both of the plans submitted by the Intervenor.

MR. HALPIN: Let me ask a question. You hve got seven wards and one plan has got seven members and one has eight. Where is the eighth member coming from in this chart?

MR. RAGLAND: I will bring it out in a minute. It is under No. 3.

MR. HALPIN: You are talking about Plan No. 2 right there. That is the eight-member plan but you have only seven figures.

MR. RAGLAND: The figure is added right here to account for that.

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Let us move to Ward 3. Ward 3 is the red area. This area has the majority of the people of East Carroll Parish in it. In that area, according to the 1970 Census, 63.8 per cent is black.

Under the plan presented by the parish, the blacks of that area will now be put into a new voting unit in which they will enjoy 58.7 per cent relationship in the total population which is still well above the majority and dilutes them only five per cent.

Going to the next area in Ward 3, under their plan it increases the colored position from 63.8 to 72.87. What they have done, they have up-graded above the old average the people in that particular area of Ward 3 by nine percentages points, while the parish plan reduces it five percentage points. The parish plan in that particular area is four percentage points closer than is this plan.

Now, Your Honor, in the case of Ward 3 there are a couple of other areas I would like to discuss under their plan and I will get to them in just a moment.

Going to Ward 4, which is the yellow ward, it is what is known as old Ward 4.

In 1970, 72.1 per cent of the people were black in that area. Under the parish plan the people will be reduced from 72.1 ratio to 58.7, but the

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plans introduced by these parties significantly reduce the Negro in that area to 44.3 in their Plan No. 1 and 48.0 in their Plan No. 2. So, in both cases, they take the black in Ward 4 and take them out of a predominantly black situation and put them in an inferior or below a fifty per cent level.

They have diluted the people in Ward 4 much more than the East Carroll plan would. 7

Going to Ward 5, it is the same story. In that area in 1970 there were 66.4 per cent of that population black. Under their two plans, under Plan No. 1 they have 44.3 per cent. In other words, the blacks in Ward 5 will be put over into a new unit where they with the others will make up 44.3 per cent of the population and in the next unit 48 per cent. In both of their plans they take a majority of blacks in Ward 5 and place them in new units which are less than fifty percent.

In Ward 6 the black population in 1970 was 56.8 per cent. The parish plan up-grades the blacks by putting them in a new unit where they are elevated two percentage points.

The first plan offered by the Intervenor would put the very same people where they would have 45.9 per cent. Under their second plan they take the same people and put them in with another unit which increases their position with seventy-six per cent.

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Ward 7, where the white dominated, there were 39.6 black population in 1970.

The parish plan up-grades the black in that area. It puts the blacks in that area with other blacks which constitute 58.7 per cent of the population.

MR. HALPIN: Your Honor, I object to the relevancy. This testimony is not relevant to the plan here. It is quite obvious in an at large plan the population which elects each member is going to be the same parish-wide and whenever you cut it up in different ways you will have different percentages. Going piece by piece I see no relevancy at all to this testimony in these proceedings.

MR. RAGLAND: Your Honor, these are statistics. These are mathematical facts. This is the only way you can tell if dilution occurred.

I submit this is not an issue in this case and if these people do not choose to raise the issue of dilution, then I will wrap up the case right now because I know of no reason why we should go any further. Dilution is the sole question for this Court's solution.

MR. HALPIN: The reason I am objecting to the relevancy is that the record is getting to be quite lengthy and we are hoping to be able to complete the case today. I don't suggest Mr. Ragland is deliberately going

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to great lengths, but an effort could be made to get this data into the record without it taking up quite so much of the Court's time.

THE COURT: Have you filed a brief?

MR. RAGLAND: Yes, sir, I will submit a brief.

THE COURT: Go ahead.

MR. RAGLAND: Ward 7, which had according to the 1970 Census 39.6 per cent black under the parish plan will be put into 58.7 per cent unit and under the Intervenor's plan No. 1 those same blacks will be put in where they enjoy 49.9 per cent of the population. In this second plan they are put in a group that will have fifty-three per cent of the population of this district which they are asking you to accept and you can see in this case the parish has up-graded the position of the blacks. The parish has up-graded the position of the blacks in that district very significantly and more so than either one of their plans.

Going back to Ward 3, their plan subdivided the Town of Lake Providence and they put certain parts of the town with old wards and certain parts to go within the plan. Of course, in the same area the parish at large plan places these blacks in a 58.7 per cent position.

Under their plan Enumeration Districts 3 and 9 would have 44.3 per cent black compared to the 58.7 per cent that the parish plan casts the same blacks

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in.

In other words, their plan places the blacks in that area in 44.3 per cent, or a minority status. That is Plan No. 1.

Plan No. 2 places the same blacks in a forty-eight per cent voting unit. Then there is another little sub-section of units 7 and 8 and in there these blacks are placed in a unit that comprises 59.8 per cent of the population and that is very close, and over in the other plan they are in fifty-five per cent.

In the seventh and eighth units, going to their plan, that is the only place that deviation is closer on their plan than on the plan submitted by the East Carroll Parish Police Jury and those are the mathematical statistics.

I ask these be introduced as Exhibits "D-2" and "D-3" which shows the white-black relationship here.

I have testified to the percentage deviations and I would like to offer this as "D-3".

At this time, Your Honor, since this is the parish plan, I would like to offer it as "D-4".

MR. HALPIN: No questions.

MR. RAGLAND: May it please the Court, the School Board is here. It has its witnesses. It has its

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secretary and they have adopted this as its No. 1 Plan. I see no reason why we should go through the same kind of evidence with them. I would only want the record to show this very same plan and also the plan submitted by the East Carroll Parish School Board.

THE COURT: What would the sum total effect be under your plan? How many white members and how many black members would there be?

MR. RAGLAND: It is an at large plan. We can only tell you what the makeup of it is now and what the voters will do is only conjecture.

MR. HALPIN: By way of argument, Your Honor, I think the Court is well aware that under Louisiana law Acts 445 and, I think, 468 of 1968 were, of course, rejected by the Attorney General of the United States.

THE COURT: That doesn't have the force and effect of law.

MR. HALPIN: However, Your Honor, there is some weight to be given to this, that the Acts have been declared invalid by the Attorney General for the reason that they are racially discriminatory.

Of course, Your Honor refers to the Sheffield case in which the Fifth Circuit said under the circumstances of that case the Court would go ahead and approve some sort of at large plan. However, there is a

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significant footnote in the Sheffield case, of which the Court is aware, where they indicated there was no racial data in the record. However, everybody stipulated the parish is only ten per cent black.

This parish has a high black percentage and there is a long history, which no one denies, of racial discrimination in voting, and so forth. Of course, they say they don't discriminate any more and I am sure that is mostly true. But because of the long history of racial discrimination --

MR. RAGLAND: Your Honor, I thought we were going to try our case and then argue.

Your Honor, I concluded my case.

MR. HALPIN: May I make an opening statement?

THE COURT: All right.

MR. HALPIN: Our position is an at large plan with a parish of this particular history, there is no question it has a racially discriminatory effect on voting. They have already testified there were two black members who were elected, but they were elected when the parish was not running at large and I suggest to the Court if they were changed back to at large that blacks would not be elected.

We will put on evidence in regard to the at large scheme to show it has a racially discriminatory effect in East Carroll Parish.

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We remind the Court of the Connor case which rejected large multi-member districts and, of course, that is what an at large plan is.

THE COURT: In that case the overall percentage of population was in favor of the whites and not in favor of the blacks.

MR. HALPIN: In Madison Parish, the Court ruled an at large plan was racially discriminatory and I see no difference in this case.

THE COURT: The Board came in with another plan.

MR. HALPIN: We have witnesses to show many ways in which the parish can be divided up with only minor deviations in which the circumstances are not racially discriminatory.

I suggest an at large plan, even though there is a majority of blacks, is racially discriminatory because of the long history of racial discrimination in voting.

THE COURT: Right now you have more blacks registered to vote than you have ever had.

MR. HALPIN: However, the Court is well aware of a political organization and political experience and due to the past discrimination in East Carroll Parish blacks are lacking in political experience -- lacking in voter experience -- lacking in political organization.

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We suggest an at large plan is also racially discriminatory to the extent the Police Jury knows full well if blacks organized in East Carroll Parish-wide that they couldn't do it and the reason why they can't do it is because that organization doesn't exist. The black people have only a five year existence and the white incumbents have their magic. Any time you place this at large system in effect it is racially discriminatory.

THE COURT: Let us take a short recess.

(SHORT RECESS)

THE COURT: Proceed, Mr. Halpin.

WILLIAM JEFFERSON,

called as a witness on behalf of the plaintiffs, being first duly sworn by the Clerk, testified as follows:

DIRECT EXAMINATION

BY MR. HALPIN:

Q State your name for the record?

A William Jefferson.

Q What is your occupation?

A Law student.

Q Are you a senior in law school?

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A Right.

Q At what law school?

A At Harvard University Law School.

Q Are you now assisting me in my law office?

A Yes, I am.

Q Where were you born and raised, Mr. Jefferson?

A East Carroll Parish, just outside of Lake Providence.

Q Have you lived there all your life except the time you were going to school?

A Yes, I have.

Q How old are you now?

A Twenty-four.

Q Are you generally familiar with the politics, geography, and so forth, of East Carroll Parish?

A Yes.

Q You heard the testimony of other witnesses to the effect that the at large system of electing Police Jurors and School Board members in East Carroll Parish would not be racially discriminatory. Is that your opinion?

A No, it is not. It is just the opposite.

Q Could you generally tell us why an at large system of election in East Carroll Parish would have an ill effect upon black voting in the parish?

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A My reason has a basis in the history of racial discrimination in voting practices in East Carroll Parish.

As stated before, prior to 1960, there weren't any registered black voters in the parish in 1960 and 1961 and that is when people decided they were going to do something about it.

THE COURT: The Court is familiar with that and there is no need to recite that. The Court issued an injunction against the Registrar for refusing to register any Negro on account of his race.

BY MR. HALPIN:

Q As a result of that history of voter discrimination, was there any black political organization or movement in the early sixties?

A Very small.

THE COURT: Charles Atlas was elected back there, wasn't he?

THE WITNESS: He is serving his second term as a School Board member. He was not elected back there.

THE COURT: When did he begin his second term?

THE WITNESS: I think two years ago.

THE COURT: That means he was elected, roughly, six years before that which would have been 1962.

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MR. HALPIN: Your Honor, we will correct that later. In fact, it was around 1968 the first time he was elected.

THE WITNESS: I am sure it wasn't in the early sixties.

BY MR. HALPIN:

Q Is there a good parish-wide black political organization in East Carroll Parish?

A No such organization. The organization there is very poor and still operates from a very small corps of people.

Q When I say "organization", I mean generally. Are the voters organized parish-wide?

A They have great difficulty in getting the vote out and there is even greater difficulty in getting the black voters in any particular direction. Our people just aren't at this point politically sophisticated enough to grasp the kind of power they have if they were to vote in a manner which would give them the most information.

Q What is the reason for this present lack of sophistication of organization among the voters?

A The reason is they have not had the political experience.

Q Given this lack of political experience and

organization, how would an at large plan such as presently exists affect -- what would be the result of such an election at large?

THE COURT: No one knows that.

MR. HALPIN: I would like to ask his opinion. The entire Police Jury gave their opinion.

MR. RAGLAND: That is because he solicited the first opinion from the first witness and we followed through on the same question.

MR. HALPIN: Is the Court ruling I cannot get Mr. Jefferson's opinion?

THE COURT: Let him go on and give it. I know what the answer is going to be.

BY MR. HALPIN:

Q Please state what you believe the effect of the at large system will be.

THE COURT: The whole question of the one-man one-vote was to make it possible for people to do so. Whether or not because of historical reasons they are politically unsophisticated does not keep them from getting enough smart people to organize and put on a concerted drive, and with 58.7 of the people in that parish being black I see no reason on earth why they couldn't elect every member of the School Board and every member of the Police Jury.

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MR. HALPIN: The whole question is a question of a long history of discrimination in voting and the voters are extremely reluctant to get out and vote. You indicated the Registrar was enjoined, but still they are intimidated --

MR. RAGLAND: Your Honor, I object to that and resent it and ask it be stricken from the record. That cannot be proved from one single witness.

THE COURT: I don't think it can. If anybody says so, I wouldn't believe it. They have the full power of the Federal Court behind them. If there is any one who interfers with the voting process, that person will be held in contempt.

MR. HALPIN: I am not saying it is present forceable intimidation. I am saying as a result of being intimidated for such a long time these people are still scared, if you will, and it is still very difficult to get people to vote in that parish.

THE COURT: That is pure theory.

MR.HALPIN: The Police Jury knows that with an at large plan no black will be elected.

THE COURT: That is pure theory. There is no Court case holding in the Fifth Circuit or the Supreme Court or otherwise that because of any past political history you have got to give that consideration.

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MR. HALPIN: I am saying the at large scheme builds upon the effects of past discrimination, for instance, in school cases.

THE COURT: That is an argument you are making with which I thoroughly disagree.

MR. HALPIN: Nevertheless, that is the argument I am making.

THE COURT: You might as well pass on to some other subject because I do not believe it.

MR. HALPIN: Is the Court ruling I may not put on evidence to that effect?

THE COURT: I have said I do not believe it.

MR. HALPIN: I can put on evidence.

BY MR. HALPIN:

Q Mr. Jefferson, is it true in East Carroll Parish, in your opinion, because of the long history of racial discrimination in voting and other areas that an at large plan would have the effect of completely preventing blacks from being elected to political office?

MR. RAGLAND: I object to the question as opinion.

THE COURT: Objection sustained.

MR. RAGLAND: He is not qualified as having sampled the opinion of that parish. He is not qualified as

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a political expert, in any sense of the word in East Carroll Parish.

THE COURT: I sustain the objection.

BY MR. HALPIN:

Q Now, Mr. Jefferson, have you examined other plans of other ways of reapportioning East Carroll Parish which would not dilute the black vote but which would achieve close population equality?

A Yes, I have.

THE COURT: If we accept your argument as correct, and I don't think it is, any such plan would have the same background.

MR. HALPIN: Yes, Your Honor. The point is with the parish divided into smaller segments with the weak political organization that there is, it is easier to organize small areas at a time than it is to organize the whole parish at one time.

THE COURT: You are still going to have to organize the whole parish to get a majority on either Board, either the School Board or the Police Jury.

MR. HALPIN: Perhaps not the whole parish. At any rate, I would like to go ahead and present my plan in the record.

THE COURT: Go on and present your plan. We are going to quit at six o'clock.

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BY MR. HALPIN:

Q Could you briefly describe the plan which you have drawn in terms -- maybe I could lead the witness -- District 1, which is the red area, has a population of 1,445 total population, one representative, and is forty-six per cent black.

District 2 has two representatives and it is 61.8 black.

District 3 has four representatives and it is sixty-five per cent black.

District 5 has two representatives and it is forty-three per cent black; is that correct?

A That is correct.

Q Is it true that you used enumeration districts for most of this plan?

A Yes, I did.

Q Is it also true for one portion of the plan a enumeration district was split?

A That's right.

Q Which enumeration district was that?

A Enumeration District 9.

Q You included a small portion of Enumeration District 9 into your new District 2?

A That is correct.

Q Do you know approximately how many houses are in

that section of Enumeration District 9 which was added?

A Approximately ten or eleven.

Q Did you, in fact, go out and count those houses?

A Yes, I did.

Q Did you use the basis of an average of 3.5 people per house in arriving at the figure for this particular district?

A Yes, sir.

Q Does that plan show a total deviation of 5.7 per cent?

A Yes, it does.

MR. HALPIN: No further questions.

CROSS EXAMINATION

BY MR. RAGLAND:

Q Mr. Jefferson, I feel it is imperative to ask you a couple of questions to counter what has gone into this record about all the bad things that have gone on in East Carroll Parish.

Did you not say you grew up in East Carroll Parish under the circumstances that have been complained of?

A Yes, sir.

MR. RAGLAND: Let the record reflect that the witness is black.

BY MR. RAGLAND:

Q Is that not true?

A That is true.

Q Are you a registered voter in East Carroll Parish?

A Yes, sir.

Q Have you yourself ever felt any of this fear expressed by your counsel?

A Yes, sir, I have.

Q Will you explain to me, as a black man who attends Harvard Law School, exactly how this fear overcomes you?

A I have attended Harvard Law School only two years. If you are referring to my present situation, the answer is no, I am not fearful. For the period prior to that, the answer is yes.

Q Wouldn't you say this change in feeling came about in there at the time the 1965 Voting Rights Act came in place? Didn't this eliminate these fears in you?

A Not me personally. As I grew older, yes.

Q In East Carroll Parish you have been able to grow up. Have you registered or did you register when you came of age and have you always been permitted to vote?

A Yes.

Q And you presently attend Harvard Law School?

A Yes.

Q You naturally have some knowledge of these reapportionment cases. Are you not familiar with the fact that

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one of the significant things -- it is the crucial thing -- that the deviation of population is one of the most important reasons?

A Primary consideration.

Q Do you not admit the East Carroll Parish plan is a zero deviation plan?

A Any at large plan is.

Q Do you not admit either one of the two plans submitted by the Intervenor contains a higher deviation than does this one?

A Each plan contains a higher deviation than does yours.

Q In that respect, under the jurisdiction and you being a Harvard law student -- as you understand it -- wouldn't you say this plan is superior?

MR. HALPIN: Your Honor, I object to taking a person on the stand and having a legal argument with him.

THE COURT: He is attempting to express an opinion as a senior law student. Objection overruled.

BY MR. RAGLAND:

Q Will you not concede this plan with zero deviation, if the jurisprudence is correct on the point, is better than either one of those two?

A No, sir.

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Q Will you tell me why? Leave out the dilution?

MR. HALPIN: If Your Honor please, it is an unfair question to tell a witness you have got to tell me why and leave out the racial dilution factor. Obviously, the point being made here is that the thing that is wrong with the plan is that it is racially discriminatory. Obviously an at large plan has a zero deviation.

BY MR. RAGLAND:

Q You said earlier the blacks in that area have a poor political organization; they are not politically sophisticated and they lack political experience. That is the real reason why you say this plan dilutes the black position, is it not?

A Yes, it is.

Q Let us go first to the lack of political experience. Isn't this really a conclusion on your part that due to the political experience this plan is discriminatory? Isn't that a personal conclusion you have drawn?

A No. Every conclusion is personal to an extent. I have observed the political goings-on there and, in fact, I have been affiliated with the grass roots organization and I have observed it firsthand.

My mother has been very closely associated with this kind of thing and back in the 1960's she went to Shreveport

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and Monroe and helped people register there and I have been in very close observation of these things.

Q These are personal observations which you will admit are not backed up by objective facts and data?

A That is not right.

Q Tell me what objective facts and data you base that conclusion on?

A I tried to explain my having observed the political goings-on of the grass roots organization.

THE COURT: Is that a Negro voting organization?

THE WITNESS: Yes, Your Honor. The efforts at registration and voter education especially have met with great difficulty and little success.

In the last city-wide election for the Board of Aldermen there was places where black men in substantial majority lost and the problem was, as I see it, a lack of political sophistication.

BY MR. RAGLAND:

Q Mr. Jefferson, it is not because of this plan but it is because of a condition that exists within the blacks themselves, isn't it?

A As a practical matter, given the situation the blacks are in, it is the plan that is going to cause the

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result I am complaining of.

Q You are contradicting yourself. Didn't you say it is lack of political sophistication and very poor political organization -- lack of political experience. When you mention those qualities in the blacks -- you never did say those shortcomings were due to this plan?

A This plan, i n light of that discrimination, makes it virtually impossible for a black man to be elected.

Q That is a personal conclusion you have drawn?

A That is a conclusion I have drawn based on my concept of what is going on in East Carroll Parish.

Q Have you been out of East Carroll Parish for the past couple of years more than you have been in it?

A Certainly I have.

Q You have been away at school?

A I have been away at school nine months out of the year but I come home off and on and for the summer.

Q Let me go on. Wouldn't you say these two plans contain multi-member districts?

A They do.

Q Are you personally aware of the case law which treats multi-member districts and why they are not good?

MR. HALPIN: Object, Your Honor. It is a conclusion put to the witness the subject of which is not necessarily accurate.

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THE COURT: He is on cross examination.

THE WITNESS: I don't know anything that says multi-member districts are seriously objectionable constitutionally.

BY MR. RAGLAND:

Q Are you aware of the recent Hinds County decision and the implication of that decision?

A Yes, I am.

Q Do you still say there is nothing objectionable?

A And the Whitcomb decision.

Q The plans have not only multi-member districts but they have districts of a lesser number of representatives than the multi-member districts?

A Slightly.

Q Do you concede East Carroll Parish does not have a multi-member district as defined by the jurisprudence?

A You have nine persons running and they are elected parish-wide.

Q Are you aware of the language in the Chavis case which says that multi-member districts, where there are no other multi-member districts in the unit or lesser representative districts in the unit, it is not bad at all?

A I am not aware of it.

MR. HALPIN: This is highly irregular, Your

Honor.

BY MR. RAGLAND:

Q Do you not concede that the East Carroll Police Jury plan assures geographical representation better than your plan?

A I see what you mean. I will agree with that.

Q Let us also go to this point: Have you ever considered the advantage of all people voting on the officials of an area? Have you ever thought about the advantages of that over the old ward system that originally existed?

A I have considered that.

Q Do you think that the old ward sub-district system for a small 12,884 parish population over there, that that system is superior to one where these officials are duty-bound to all the people?

A Yes, I do.

Q Tell me why?

A In a theoretical kind of sense and taking this thing out of context of our actual situation in East Carroll Parish it may be that argument had some validity, but given our situation and the remarks I made earlier about the matter of political sophistication, and so forth, no, I disagree with that. That can't be taken as a primary consideration in a geographical situation. It might make a given plan a little bit better. Certainly that falls second, third,

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fourth or fifth to the one-man one-vote principle and the dilution consideration.

THE COURT: Didn't Whitcomb vs. Chavis hold expressly a multi-member district is perfectly valid unless it is shown to be discriminatory?

MR. RAGLAND: Yes, sir.

BY MR. RAGLAND:

Q Did you see me present those figures based upon the old ward system?

A Yes, I did.

Q Do you personally know of a better way to figure whether or not a black person's position in the voting structure has been diluted or not diluted better than that system?

A Yes, I do.

Q Will you tell me what that is?

A The system by which you have the opportunity to elect an official.

Q Based upon what you testified to so far, is it not true with this background what you have done or what you have assisted in doing is to bring plans to this Court which, in effect, guarantee a particular race or public bias?

A Of course, they don't guarantee. What they do is give them a fair opportunity to be represented on the Jury in

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accordance with the population.

Q Are you aware the percentage is 58.7 to about 41.3?

A About that.

Q Do you know of any fairer way to let the people elect with an absolute proportionate position such as that?

A Yes, I do. It is represented right here.

Q Won't you admit you have actually made the center part of East Carroll Parish, using the Town of Lake Providence where there is a very large concentration of blacks, you have taken that as a hub and built on to it and you have made districts in those areas which pretty well assures a black will be on there?

A We followed Enumeration District lines. Of course, one of our considerations was the black people living in East Carroll Parish should be represented on the Board and the district should be drawn so that that representation was to some extent assured.

Q In other words, what you did, you brought a plan to this Court which, in your own words, assured representation of one particular race?

A To a significant extent it is drawn to assure black people are represented on the various bodies.

Q Isn't it predicated on the assumption no black can be elected under present circumstances?

A That's right.

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Q That is a personal belief and you cannot bring any objective proof to this Court?

A I think I stated the proof that I have on this issue.

THE COURT: Do you know, as a matter of fact, that if any intimidation has occurred in prior years prior to the issuance of this Court's injunction in the early sixties -- long before the Voting Rights Act -- whoever did that would be hauled before this Court after an investigation by the FBI or a complaint made and cited for contempt?

THE WITNESS: I understand that, Your Honor.

THE COURT: And the extent of imprisonment is unlimited?

THE WITNESS: Yes, sir.

Could I say this: That the political situation of the blacks in East Carroll Parish is very closely tied with the personal and business relations with white people and intimidation, per se, while it may not exist that certainly in their relations they depend on these relations for their subsistence.

THE COURT: Do you realize that a suit filed in this Court by Charles Atlas because cotton ginners would not gin his cotton and grain dealers would not grind his grain that a consent decree against all defendants named -- all people he had dealings with -- would not do that?

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Don't you think that is about as strong a remedy as any person could possibly have?

THE WITNESS: In a theoretical sense, Your Honor, it is a strong remedy.

THE COURT: Theoretically, all you have to do is get the evidence and come before this Court and we will find them in contempt.

THE WITNESS: As a practical matter, many acts of intimidation go unprotested.

THE COURT: Whose fault is that? This Court can't protect them.

THE WITNESS: I understand that. That is because of the long record of discrimination and especially old people have resigned themselves to that.

THE COURT: Notwithstanding the Grass Roots Organization to educate the people in the past five years?

THE WITNESS: I don't think that long.

THE COURT: You admit there is a regular political organization in East Carroll Parish known as the Grass Roots for the express purpose of electing Negro people to public office?

THE WITNESS: No, Your Hnnor, not the express purpose. It serves that purpose as well as a number of others.

THE COURT: Why don't you offer these maps

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in evidence.

MR. HALPIN: Is there any objection to entering these maps?

MR. RAGLAND: I have no objection.

FRANCIS JOSEPH ATLAS, SR.,

called as a witness on behalf of the plaintiffs, being first duly sworn by the Clerk, testified as follows:

DIRECT EXAMINATION

BY MR. HALPIN:

Q Would you please state your name for the record?

A Francis Joseph Atlas, Sr.

Q Is it Reverend Atlas?

A Reverend.

Q Reverend Atlas, is it true you have lived in East Carroll Parish all of your life?

A Yes.

Q Have you been active in civil rights movements, and so on, in East Carroll Parish?

A Yes.

Q For the record, you are black; is that right?

A Right.

Q Are you an elected member of the School Board of East Carroll Parish?

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A I am.

Q What date were you elected to that position?

A As near as I can guess, 1966 I believe it was.

Q Were you elected parish-wide -- at large?

A No, I wasn't.

Q Were you elected from a ward?

A Yes.

Q You were elected before the change over to the at large system?

A Yes.

Q Did you vote for or against the proposal to make the parish governing bodies at large?

A I voted against the proposal. I voted against one proposal and I abstained from voting on another one.

Q What is your opinion now as to the effect that the at large plan of reapportionment will have on black people getting elected in these positions in East Carroll Parish?

A I feel that in a parish-wide election they will have a slighter chance to be elected than they would on the basis of the original ward system.

Q Is it your opinion that the at large system was designed to make it more difficult for blacks to be elected in the parish?

A It is an advantage in there that suits the others.

MR. HALPIN: That's all.

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CROSS EXAMINATION

BY MR. RAGLAND:

Q Reverend Atlas, you have served now five or six years on the East Carroll Parish School Board, have you not?

A Correct.

Q As far as you can remember, you have not come up for re-election under the at large system, have you?

A No, I haven't.

Q So you really have no personal experience yourself with running under the at large program that all the other members of your School Board are asking this Court to adopt; is that not correct? You have never run under the at large system?

A I have never had the chance yet.

Q Whatever your thought is about what your chances are is purely a personal opinion, is it not?

A It isn't personal but observation from statistics from records on running at large.

Q Would you tell me what statistics you have reference to?

A I have reference to when there is two running, one black and one white, all whites stay on one side and the blacks split up and the whites are always elected.

THE COURT: Is there any way this Court

can prevent the blacks from splitting up?

THE WITNESS: That is a difficult question to answer. We are people that are tied in. A lot of times we work for you. You have a lot of influence. You have power from the economic standpoint and lots of times people think where their bread comes from is more important than voting and it is difficult to say.

THE COURT: When a person goes in the ballot box he goes in there in complete secrecy?

THE WITNESS: Your Honor, let me tell you something. I couldn't say under no system what you said is true and get a man I know to believe in. He believes somehow somebody will find out how he voted.

THE COURT: There is nothing this Court can do about that.

MR. RAGLAND: No further questions.

MR. HALPIN: We close our case and urge, based on the Sheffield case, the indication is the Court should not be able to allow this School Board and Police Jury to remain at large and the fact that Act 445 has been invalidated, the Court in Sheffield said the Court only had the discretion where there was no significant black population in the parish. We suggest the Court doesn't have the power to allow the School Board to reapportion under a State law which has been struck down under Section 5 as a law which

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is racially discriminatory.

We respectfully submit this at large program and its effect in East Carroll Parish is, in fact, racially discriminatory. We suggest there are other satisfactory plans so far as the one-man one-vote goes in dividing the parish in several districts which would not have the racially discriminatory effect that the at large plan has.

THE COURT: Because of the fact that this is the only case I have seen where there is a zero deviation, which is what the one-man one-vote principle calls for, that is, perfection; because of the fact that the overall population of the parish is 58.7 per cent black and because we think that the ideas expressed by the first witness of the Intervenor on the stand have no validity -- all of that has been overcome by the Voting Rights Act of 1965 and by the injunctions issued by this Court in the past which are still outstanding, we approve the plan as submitted by the Police Jury and the School Board.

Court is adjourned.

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CERTIFICATE

I, Sidney Young, Official Reporter, United States District Court, Western District of Louisiana, do hereby certify that the above and foregoing 80 pages of typewritten matter contain a true and correct reporting and transcription of the proceedings had at the time and place as hereinbefore set out on Page 1.

IN WITNESS WHEREOF I have hereunto affixed my signature at Shreveport, Louisiana, on this the 18th day of October, 1971.

Sidney Young
Official Reporter
U.S. District Court
Western District of Louisiana
Shreveport, Louisiana

SIDNEY YOUNG, COURT REPORTER 311 FEDERAL BLDG., SHREVEPORT, LA.

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July 30, 1971

U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED
AUG 2 - 1971
ALTON L. CURTIS, CLERK
By: D

3927

Honorable Ben C. Dawkins, Judge
Federal Building
Shreveport, Louisiana

Dear Judge Dawkins:

Enclosed herewith please find proposed decree which I submit formalizes the oral order rendered by you in Monroe yesterday regarding the reapportionment of East Carroll Parish.

I would suggest that you review this proposed order in detail before executing it to make sure that it does indeed conform to your order of yesterday.

With best wishes, I am

Yours very truly,

William B. Ragland, Jr.
Assistant District Attorney

WBRjr/hh
Enclosure